

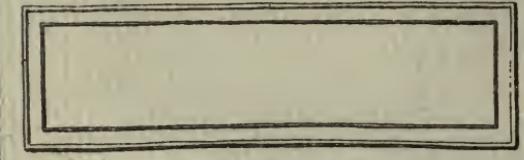
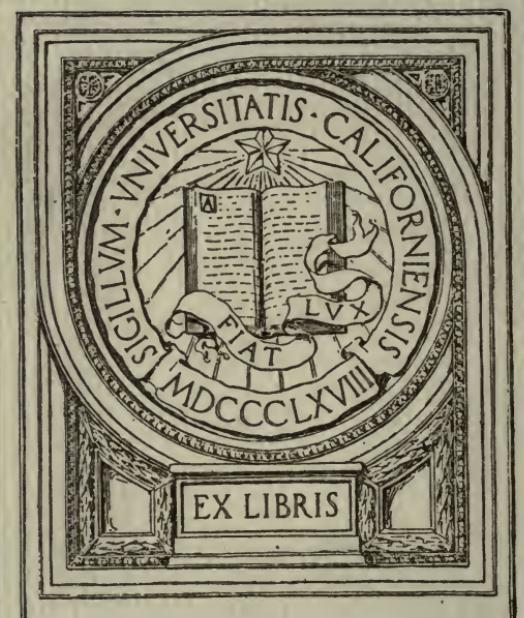
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THE CHARTER OF THE CITY *of* OAKLAND

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PREPARED AND PROPOSED BY THE
BOARD *of* FREEHOLDERS
ELECTED JULY 6, 1910

THE CHARTER
OF THE
CITY *of* OAKLAND



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CHARTER OF THE City of Oakland

ARTICLE I.

NAME AND RIGHTS IN SUCCESSION OF THE CITY.

Name of the City.

Section 1. The municipal corporation now existing and known as the City of Oakland shall remain and continue a body politic and corporate in name and in fact by the name of the City of Oakland, and by such name shall have perpetual succession.

Rights and Liabilities in Succession.

Sec. 2. The City of Oakland shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, enjoyed, owned or held by it; and shall be subject to all the duties and obligations now pertaining to or incumbent on said City as a corporation, not inconsistent with the provisions of this Charter.

ARTICLE II.

BOUNDARIES.

Sec. 3. The boundaries of the City of Oakland shall be as now fixed and established. The area contained within said boundaries is as follows, to-wit:

1st. All of Oakland Township in the County of Alameda, State of California, exclusive of the following portions thereof: Such portions of said township as lie within the corporate limits of the City of Alameda, the City of Berkeley, the Town of Emeryville, the City of Piedmont, and the City of Albany; also exclusive of such portion of said township as lies northerly of the northern boundary line of the aforesaid City of Berkeley.

2d. All of Brooklyn Township in the County of Alameda, State of California, exclusive of the following portions thereof: Such portions of said township as lie within the corporate limits of the City of Alameda, the City of San Leandro, and the City of Piedmont; also exclusive of such portion of said township as lies northeasterly of the northeastern boundary line of that portion of the Rancho

of San Antonio as has been heretofore granted by the United States of America to Antonio Maria Peralta, by patent bearing date of June 25th, 1874, and recorded September 15th, 1874, in Liber A of Patents, page 648, records of Alameda County; also exclusive of such portion of said township as lies easterly and northeasterly of the eastern and northeastern boundary lines of that portion of said Rancho of San Antonio as has been heretofore granted by the United States of America to Ygnacio Peralta by patent bearing date of February 3rd, 1858, and recorded April 5th, 1858, in Liber A of Patents, page 52, records of said Alameda County.

ARTICLE III.

ELECTIONS.

General, Special and Nominating Elections.

Sec. 4. A municipal election shall be held on the third Tuesday in April, in the year 1911, and on the third Tuesday in April, in the year 1913, and on the third Tuesday in April, in every second year thereafter, and shall be known as the Nominating Municipal Election. A second election to fill the offices for which candidates have been chosen at the Nominating Municipal Election shall be held on the third Tuesday after said Nominating Municipal Election and shall be known as the General Municipal Election.

All other municipal elections that may be held by authority of this Charter or otherwise shall be known as Special Municipal Elections.

Nomination and Election of City Officers.

Sec. 5. (1) The mode of nomination and election of all elective officers of the City to be voted for at any municipal election shall be as follows and not otherwise.

Condition of Candidacy.

(2) The candidate, not later than the first presentation to the City Clerk of his petition of nomination, as in this Article set forth, and not earlier than thirty (30) days before such presentation, shall file with the City Clerk a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDACY.

I,, residing at No.....Street, Oakland, Cal., being duly sworn, hereby declare myself a candidate for the office of....., to be voted for at the..... Municipal Election to be held in the City of Oakland, on the.....day of....., 19.....

(Signed)

State of California, }
County of Alameda, } ss.
City of Oakland.

Subscribed and sworn to before me this.....
day of....., 19.....

..... City Clerk (or Notary Public.)

The name of a candidate shall be printed upon the ballot when a declaration of candidacy and a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions in this Article set forth, such candidate not having withdrawn under the provisions of this Article.

Form of Nominating Petition.

(3) The petition of nomination shall consist of not less than fifty (50) nor more than two hundred and fifty (250) individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

(Individual Certificate.)

No.....

I, the undersigned, certify that I do hereby join in a petition for the nomination of.....whose residence is at No.....Street, Oakland, for the office ofto be voted for at the Nominating Municipal Election to be held in the City of Oakland on theday of.....19....; that I believe saidis fully qualified for said office and should be elected thereto; and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office; that my residence is at No.....Street, between.....Street and.....Street, Oakland, and that my occupation is.....

(Signed).....

State of California, }
County of Alameda, } ss.
City of Oakland.

.....being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed).....

Subscribed and sworn to before me this.....day
of....., 19.....

..... Notary Public (or Verification Deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to..... at No..... Street, Oakland, Cal.

Forms To Be Supplied by the City Clerk.

(4) It shall be the duty of the City Clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of Certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the City Clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed his name to any other certificate for any other candidate for the same office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Eligibility of Verification Deputies.

(6) All verification deputies under this Charter shall be qualified electors of the City of Oakland. They shall be appointed by the City Clerk upon written application of not less than five (5) nor more than ten (10) qualified electors of the City of Oakland. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking the oaths of signers of certificates in the matter of Such verification deputies need not use a seal, and shall not have power to administer oaths for any purpose other than that for which they are appointed. Their appointment shall continue only for ninety (90) days from the date of said appointment. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the City Treasury. All verification deputies must, before their appointment, make and file with the City Clerk an oath as to their ages, places of residence, occupation and whether or not they are qualified electors of the City of Oakland, California.

Date of Presenting Petition and Form Thereof.

(7) A petition of nomination, consisting of not less than

fifty (50) nor more than two hundred and fifty (250) individual certificates for any one candidate, may be presented to the City Clerk not earlier than fifty days nor later than forty days before the election. The Clerk shall endorse thereon the day, hour and minute upon which the petition was presented to him.

The certificates constituting such petition before being presented to the City Clerk shall be fastened together in book form by placing the sheets in a pile arranged in alphabetical order according to surnames and fastening them together at one edge in a secure and suitable manner, and the certificates shall then be numbered consecutively.

Examination of Petitions by City Clerk.

(8) When a petition of nomination is presented for filing to the City Clerk he shall forthwith examine the same and ascertain whether it conforms to the provisions of this Charter. Within seven days after its presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of said examination and forthwith send by registered mail a copy of said certificate to the person named as the person to whom the petition shall be returned in accordance with this section. If the petition be found not to conform to the provisions of this Charter such certificate of the City Clerk shall designate as to the petition and as to each individual nomination certificate found to be defective, the defect therein. If by the said certificate of the City Clerk the petition is shown to be insufficient it may be amended by the presentation of an additional nominating petition containing additional nominating certificates not later than twenty-five days before the date of the Nominating Municipal Election. The City Clerk shall within five days after the presentation of such additional nominating petition make like examination and determination of the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional nominating petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned. If necessary, the Council shall provide extra help to enable the City Clerk to perform his duties under any election provision of this Charter.

Withdrawal of Signature.

(9) Any signer to a certificate forming part of a petition of nomination may withdraw his name from the same by

filling with the City Clerk a verified revocation of his signature before the presentation of the petition to the City Clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidate for Nomination.

(10) Any person who has filed his declaration of candidacy as in this Article provided may, not later than thirty (30) days before the day of the Nominating Municipal Election, cause his name to be withdrawn from nomination by filing with the City Clerk an affidavit stating that he so withdraws, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by presenting petitions therefor not later than twenty-five (25) days prior to such election.

Filing of Petitions.

(11) If either the original or the amended petition of nomination be found to conform to the provisions of this Article, the City Clerk shall file the same not later than twenty days before the date of the election. When a petition of nomination shall have been filed by the City Clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Preservation of Petitions.

(12) The City Clerk shall preserve in his office for a period of one year all petitions of nomination and all certificates belonging thereto filed under this section.

Election Proclamation.

(13) Immediately after such petitions are filed, the City Clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than twenty days before the Nominating Municipal Election, certify such list as being the list of candidates nominated as required by the Charter of the City of Oakland, and the Council shall cause said certified list of names and the offices to be filled, designated whether for a full term or unexpired term, to be published in the proclamation calling the election for three successive days commencing seven days immediately preceding the election, in the official newspaper. Said proclamation shall conform in all respects to the general State law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of Ballots.

(14) The City Clerk shall cause the ballots to be printed and bound and numbered as provided for by the State law except as otherwise required in this Charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

GENERAL (OR NOMINATING) (OR SPECIAL) MUNICIPAL ELECTION, CITY OF OAKLAND.

(Inserting date thereof.)

INSTRUCTIONS TO VOTERS: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the Inspector of Election, and obtain another.

Requirements of Ballot.

(15) All ballots shall be printed on precisely the same size, quality and tint of paper, with precisely the same kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the ballot for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this Charter. The names of the candidates for each office shall be arranged in alphabetical order by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots used at any election under this charter shall, as to indistinguishability, conform to the provisions of this subdivision.

Every Nominee to Be on Ballot.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

For Mayor (if any) vote for one.

For Auditor, who shall be ex-officio Assessor (if any) vote for one.

For Commissioner No. 1 (if any) vote for one.
For Commissioner No. 2 (if any) vote for one.
For Commissioner No. 3 (if any) vote for one.
For Commissioner No. 4 (if any) vote for one.
For School Director No. 1 (if any) vote for one.
For School Director No. 2 (if any) vote for one.
For School Director No. 3 (if any) vote for one.
For School Director No. 4 (if any) vote for one.
For School Director No. 5 (if any) vote for one.
For School Director No. 6 (if any) vote for one.

Space for Voting Cross.

(18) A half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates.

(19) A half inch space shall be left below the printed names of candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

Sample Ballots.

(20) The Clerk shall cause to be printed sample ballots identical, except as to character of paper, with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before said election.

General Municipal Election.

(21) The two candidates receiving the highest number of votes for any given office at the Nominating Municipal Election shall be the candidates, and the only candidates for such office whose names shall be printed upon the ballots to be used at the General Municipal Election or Special Municipal Election, provided, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other person received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise be candidates for such office and their names shall be printed upon the ballots.

At such General Municipal or Special Municipal Election the candidate for any office who receives the highest number of votes at such election shall be declared elected to such office.

If at any General Municipal or Special Municipal Election the Mayor, Auditor, any Commissioner or any School Director be not elected by reason of a tie vote, then the Council then in office shall by lot choose from the candidates receiving such tie vote the necessary number to fill such office or offices.

All the provisions and conditions above set forth as to the conduct of Nominating Municipal Elections, so far as they may be applicable, shall govern General and Special Municipal Elections; and the same precincts and polling places shall, if possible, be used.

Informalities in Election.

(22) No informalities in conducting Municipal Elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

General Election Regulations.

Sec. 6. (1) The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, provided that the Council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting Machines.

(2) In case voting machines shall be used at any Municipal Election, the Council shall have power, by ordinance, to modify the provisions of the Charter so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to All Elective Officers.

Sec. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Petition for Recall.

(2) A petition signed by qualified electors equal to fifteen (15) per centum of the entire vote cast for all candi-

dates for the office of Mayor at the last preceding General Municipal Election at which a Mayor was elected (provided, that the number of signers to any petition for the recall shall not be less than three thousand), which said petition shall request the calling of an election to determine whether or not the said incumbent of an elective office sought to be removed from office shall be removed from office by recall, shall be addressed to the Council and presented to the City Clerk. The petition may request that such election shall be held at a Special Municipal Election or at the next General Municipal Election.

Form of Petition.

(3) The petition for recall and removal from office shall be substantially as follows:

(Individual Certificate.)

PETITION TO THE COUNCIL.

REQUIRING A SPECIAL MUNICIPAL ELECTION
(If such be the case.)

(The above heading must be printed in type of a 24-point Roman face, caps and lower case.)

For the Recall of (name of officer)

From the Office of (name of office)

REASONS FOR THE RE-
CALL OF (name of officer)
FROM OFFICE. (Here in-
sert such reasons.)

REASONS AGAINST THE
RECALL OF (name of offi-
cer) FROM OFFICE.
(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the Council requiring that it forthwith submit, as provided in the Charter of Oakland, to the vote of the electors of the City of Oakland, at a Special (or the next General) Municipal Election, the question whether (name of officer) shall be recalled from the office of (name of office.)

I further certify: that I have read the above reasons for and against the recall of said officer and believe that.... should be recalled; that I am a qualified elector of the City of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No..... Street, between Street and Street, in said City, and that my occupation is.....

(Signed)

State of California, }
County of Alameda, } ss.
City of Oakland.

....., being duly sworn, deposes and says

that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed).....

Subscribed and sworn to before me this.....
day of, 19.....

(Signed).....

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part, shall, if found insufficient, be returned to.....at
No.....Street, Oakland, California.

Filing and Examination of Petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate.

These certificates shall be fastened together, as provided herein for petitions of nomination, except that they shall be bound as near as may be in lots of two hundred and fifty (250) certificates.

Immediately upon the receipt of such petition, the City Clerk shall indorse thereon the time at which said petition was received by him. The City Clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this Charter.

Within ten days after such presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this Charter such certificate of the City Clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the City Clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate of the City Clerk, of an additional recall petition containing additional recall certificates. The City Clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid and, if his certificate shall show the amended

petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, without prejudice to the filing of a new petition to effect the same purpose.

If and when the City Clerk shall find the said petition or amended petition to conform to the requirements of this Charter he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the Council.

Withdrawal of Signature.

(5) Any signer of a petition for the Recall, the Initiative, or the Referendum, may file with the City Clerk a verified revocation of his signature to such petition. And in case said revocation is filed with the City Clerk before the said petition is filed by the City Clerk, the City Clerk shall cancel the said signer's signature on said petition.

Statement of Intention to Circulate Petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the City Clerk, who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: a statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition.

No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the City Clerk later than forty (40) days after the filing of such affidavit.

Election Under Recall Petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the City Clerk, and if the petition requests a special election, the Council shall cause a special election to be held

within not less than fifty (50) nor more than sixty (60) days after the filing of said petition to determine whether the electors will recall said officer, or, if a General or Special Municipal Election is to occur within sixty (60) days after the filing of said petition, the Council may in its discretion postpone the holding of such election to such General Municipal Election.

Penalty for Non-Performance—Life of Petition.

(8) If the City Clerk or any member of the Council shall wilfully fail or neglect to do or perform any act or duty, in this Article prescribed or directed to be by them or any of them done or performed, then and in that event the said City Clerk or such member of the Council shall not draw or receive any salary during his further continuance in office and the Auditor shall not audit or allow any claim therefor.

If any question of recall, for which a petition has been filed, in accordance with the provisions of this Charter, be not submitted to the voters at or within the time elsewhere specified in this Charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of Recall. Officer's Justification.

(9) Upon both the Sample and Official Ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Recall Ballots.

(10) The ballots at every election at which a question of recall is to be determined shall contain, as to every officer whose recall is to be voted on thereat, the following question:

Shall be removed from the office of by recall?

Following which question shall be the words "Yes" and "No" on separate lines with a blank space at the right of each in which the voter may indicate, by stamping or writing a cross (X), his vote for or against such recall.

On such ballots under each such question there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by vote of the people. The nomination of candidates for places on such ballots shall be made in the same manner as provided in this Charter for Nominating Elections; excepting that the person whose re-

call and removal from office is petitioned for shall be deemed a candidate, and, unless within five days after the petition requiring the calling of the election is filed by the City Clerk, he resigns his office or declines in a writing duly signed and verified by him and filed with the City Clerk to permit his name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this Charter. All requirements of this Charter relating to ballots at Nominating Municipal Elections shall, so far as applicable, and except as herein otherwise provided, apply to all ballots at every election at which a question of recall is to be determined, and the calling of elections under this Article shall be done in accordance with the provisions of this Charter providing for the calling of Nominating Municipal Elections.

Recall—What Constitutes.

(11) The person for whose recall and removal from office petition is made shall, if he do not resign, continue to perform the duties of his office until such time as the Council, having canvassed the vote, shall declare that a majority of those voting on the question as to whether said person shall be recalled and removed from office have voted for his recall and removal from office. The Council shall canvass the vote cast at and declare the result of the election within four (4) days from the day on which the election is held.

If a majority of those voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of such person being recalled and removed from office, the person for whose recall and removal from office said majority has voted shall be deemed to be recalled and removed from office, upon the canvass of the returns of and the declaration of the result of said election by the Council.

Election.

(12) If at the election for recall and removal from office a vacancy is created, any candidate receiving at said election a majority of the votes cast for that office shall be thereby elected.

If at the election for recall and removal, a vacancy is so created and not so filled by a candidate receiving a majority of votes, then the Council shall order the holding of a second election to take place not more than two weeks, nor less than one week after the first election. At such second election the names of not more than two candidates for each unfilled vacancy (said names being the names of those candidates who received the most votes, less than a majority) shall be printed upon the ballot; except that, in case of a tie between the second and third highest, the provisions of

subdivision twenty-one (21) of Section five (5) shall apply.

In all other respects the calling of said second election, the requirements of the ballots and the conduct of the second election shall be the same as provided in this Charter for General Municipal Elections, except as otherwise provided in this Article.

The Council shall canvass the returns and declare the result of said second election within four (4) days after the day on which the said election was held. The person receiving the highest number of votes for each office at the second election shall be declared elected to the said office, and shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office.

In case of a tie vote at the second election for any office the Council shall by lot choose from the candidates receiving such tie vote the one to fill such office.

Percentage for Subsequent Recall.

(13) If, at a recall election, a majority shall vote against recalling the officer sought to be removed, or if such officer shall be re-elected to said office at any election held under such recall proceedings, it shall require thirty (30) per centum of the entire vote cast for all candidates for the office of Mayor at the last preceding General Municipal Election at which a Mayor was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

No Recall Petition for First Six Months.

(14) No recall petition shall be filed against any officer until he has actually held his office for at least six months.

Incapacity of Recalled Official.

(15) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further Regulations.

(16) The Council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section five (5) thereto.

ARTICLE V.

ELECTIVE OFFICERS.

The Elective Officers.

Sec. 8. The elective officers of the City shall be a Mayor, an Auditor who shall be ex-officio Assessor, four Commissioners and six School Directors.

The Council shall consist of the Mayor and the four Commissioners above specified, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

The Board of Education shall consist of the six School Directors and the Commissioner designated to the Department of Revenue and Finance, each of whom, including said Commissioner, shall have the right to vote on all questions coming before the Board of Education.

Candidates for Commissioner shall be designated on all official election ballots, as candidates for Commissioner No. 1, or No. 2, or No. 3, or No. 4 (said numbers to be printed after the designating title "Commissioner," there being as many numbers from 1 up as there are Commissioners to be elected) in accordance with the declarations of candidacy, which said candidates shall have filed with the City Clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such Commissioner; but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Candidates for School Director shall be designated on all official election ballots as candidates for School Director No. 1, or No. 2, or No. 3, or No. 4, or No. 5, or No. 6 (said numbers to be printed after the designating title "School Director," there being as many numbers from 1 up as there are School Directors to be elected) in accordance with the declarations of candidacy which said candidates shall have filed with the City Clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such School Director, but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Elected at Large.

Sec. 9. The Mayor, Auditor, Commissioners and School Directors shall be elected at the General Municipal Election on a general ticket from the City at large.

Eligibility of Mayor, Auditor, and Commissioners.

Sec. 10. To be eligible to the office of Mayor, Auditor or Commissioner, the person must be a citizen of the United States and a qualified elector of the State of California, and shall have been a resident of the City of Oakland for four years next preceding his nomination.

Eligibility of School Directors.

Sec. 11. To be eligible to the office of School Director a

person must be a citizen of the United States, of the age of twenty-one years, and shall have been a resident of the City of Oakland for two years next preceding nomination.

Vacancy in Office.

Sec. 12. (1) If a vacancy shall occur in the office of Mayor, Auditor or Commissioner, the Council shall appoint a person to fill such vacancy. In each case the person so appointed shall hold office, subject to the provisions of the Recall, until the next General Municipal Election, and his successor at such election shall be elected for the full or unexpired term, as the case may be; provided that if a vacancy arises by Recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this Charter, relating to the Recall.

(2) If a vacancy shall occur in the office of School Director, the Board of Education shall appoint a person to fill such vacancy. In each case a person so appointed shall hold office, subject to the provisions of the Recall, until the next General Municipal Election, and the successor of such appointee elected at such election shall be elected for the full or unexpired term, as the case may be; provided that if a vacancy arises by Recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this Charter relating to the Recall.

Vacancy—What Constitutes.

Sec. 13. A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto, fails to qualify within ten days after notice of election has been handed to him or sent by registered mail to his last known address, dies, resigns, is recalled and removed from office, ceases to be a resident of the City, absents himself continuously therefrom for a period of more than thirty days without permission from the Council, is convicted of a felony, judicially determined to be incompetent, forfeits his office under the provisions of this Charter, or is removed from office by judicial proceeding.

Mayor's and Auditor's Term of Office.

Sec. 14. The Mayor and Auditor shall each hold office for a term of four years from and after the first day of July after his election, and until his successor is elected or appointed and qualified, unless sooner removed from office by Recall, or otherwise; provided, however, that the term of office of the Auditor first elected under this Charter shall be for two years only.

Commissioner's Term of Office.

Sec. 15. The Commissioners shall hold office for a term of

four years from and after the first day of July after their election, and until their successors are elected or appointed and qualified, unless sooner removed from office by Recall or otherwise; provided that the Commissioners first elected under this Charter shall, at their first meeting, so classify themselves by lot that two shall serve for two years and two for four years.

At each General Municipal Election after the first held under this Charter, there shall be elected two Commissioners.

School Director's Term of Office.

Sec. 16. The School Directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected or appointed and qualified, unless sooner removed by Recall or otherwise; provided, that the School Directors first elected under this Charter shall, at their first meeting, so classify themselves by lot that three shall serve for two years and three for four years.

At each General Municipal Election after the first held under this Charter there shall be elected three School Directors.

Sec. 16½. The term of each elective officer shall commence at eleven o'clock A. M. on the day fixed herein.

Official Bonds.

Sec. 17. The Mayor, Auditor, Treasurer, each Commissioner and each School Director shall, before entering upon the duties of his office, each give and execute to the City a bond as hereinafter provided. No surety on any official bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the City, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the City, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the City, and that the taxes on such property so assessed are not delinquent.

The bond of the Mayor and of each Commissioner shall each be in the penal sum of Ten thousand (10,000) Dollars, of the Auditor in the penal sum of Twenty-five thousand (25,000) Dollars, of the Treasurer in the penal sum of One hundred thousand (100,000) Dollars, and of each School Director in the penal sum of twenty-five hundred (2,500) Dollars.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. All bonds except those of the Mayor and Auditor must be approved by the Mayor and Auditor; the bond of the Mayor must be approved by the Auditor and a majority of the Council, the bond of the Auditor must be approved by the Mayor and a majority of the Council.

The Council may, by Ordinance, increase the amount of bond herein required from any officer; and may require a bond to be given by any officer not herein required to give bond, and may fix its amount.

When under any of the provisions of this Charter, or of any Ordinance, an official bond shall be required from any officer, the Council, or Board as the case may be, may by resolution require an additional bond, whenever, in the opinion of such Council, or Board, such bond or any surety thereto becomes insufficient.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the City Clerk, except the bond of the City Clerk, which must be filed with the Auditor. Upon the approval of a bond it must be recorded in a book entitled "Record of Official Bonds," kept for that purpose by the City Clerk in his office. All the provisions of the law of the State relating to official bonds of City officers, not inconsistent with this Charter, shall be complied with.

Oath of Office.

Sec. 18. Every officer of the City before entering upon the duties of his office, shall take the following oath of office and file the same with the City Clerk:

I solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of California, and the Charter of the City of Oakland, and will truly and to the best of my ability perform the duties of the office of

(Signed)

Subscribed and sworn to before me this day of, 19

.....
City Clerk (or Notary Public.)

Salaries.

Sec. 19. The Mayor shall receive an annual salary of forty-two hundred (4200) dollars, payable in equal monthly installments.

The Auditor shall receive an annual salary of thirty-six hundred (3600) dollars, payable in equal monthly installments.

Each Commissioner shall receive an annual salary of thirty-six hundred (3600) dollars, payable in equal monthly installments.

Each School Director other than the Commissioner of Revenue and Finance shall receive ten dollars for each regular meeting of the Board of Education which he shall attend, provided that he shall not receive more than forty (40) dollars in any one month.

Administering Oaths. Subpoenas.

Sec. 20. Every elective officer, every chief official and every member of any Board provided for in this Charter shall, in all matters of or pertaining to the City or its business, have the power to administer oaths and affirmations, and every such officer and Board shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before the Council or before any such officer or Board. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before the Council or before any such officer or Board or to answer any question which any officer, or a majority of such Board shall decide to be proper and pertinent, he shall be deemed in contempt, and the Council or any such officer, or any such Board shall have power to take the proceedings in that behalf provided by the general laws of the State. The Chief of Police must, on request of the Council or of any such officer, or of any member of such Board, detail a police officer or police officers to serve such subpoena.

ARTICLE VI. THE MAYOR.

The Chief Executive.

Sec. 21. The Mayor shall be the chief executive officer of the City and shall see that all the ordinances, resolutions and laws thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the City are faithfully performed.

The Mayor shall, with the aid of the Commissioner of Public Health and Safety, take all proper measures for the preservation of public order and the suppression of riots, insurrections or tumults, for which latter purpose he is authorized and empowered to use and command the police force of the City.

Mayor Pro Tempore.

Sec. 22. During the temporary absence or disability of

the Mayor, the Vice-President of the Council shall act as Mayor pro tempore. In case of the temporary absence or disability of both Mayor and Vice-President, the Council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of Mayor, the Vice-President of the Council shall act as Mayor until such vacancy can be filled as provided in this Charter.

Mayor's Reports.

Sec. 23. The Mayor shall annually and from time to time ^{4.} give the Council information relative to the affairs of the City and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined.

Sec. 24. The Mayor shall employ, for a stipulated com- ^{5.} pensation, at the beginning of each fiscal year, a certified public accountant, who shall examine at least twice each year, the books, records and reports of the Auditor, and of all officers and employes who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and make triplicate reports thereof, and present one each to the Mayor and Auditor, and file one with the City Clerk. Such accountant may recommend ways and means to improve the methods of keeping the books, records and accounts of the City. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employes of the City, and every such officer, clerk and employe shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested; and failure to do so shall be deemed and held to be a forfeiture of his office. The Council shall provide for the payment of the services of such accountant.

Supervision of Public Utility Companies.

Sec. 25. The Mayor shall be charged with the general ^{6.} supervision of all persons, firms, companies and corporations owning, controlling or operating public utilities in so far as they, or any of them, are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law and he shall see that the provisions of all franchises, permits and privileges granted by the City are faithfully observed.

The Mayor shall, and the Council may, cause to be in- ^{7.} stituted such actions or proceedings as may be necessary to prosecute persons, firms, companies and corporations owning or controlling or operating public utilities, for violations of law, and, as may be necessary, to revoke, cancel or annul all franchises, permits and privileges that may have been

granted by the City to any person, firm, company or corporation, which may have become forfeitable in whole or in part or which for any reason are illegal, or void or voidable. The City Attorney, on the demand of the Mayor or of the Council, must institute and prosecute the necessary actions to enforce the provisions of this Section.

Powers and Duties Prescribed by Ordinance.

Sec. 26. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The Five Municipal Departments.

Sec. 27. The executive and administrative powers, authority and duties of the City, not otherwise provided for, shall be divided into five general Departments, as follows:

(1) Department of Public Affairs, which shall be under the supervision of the Mayor.

(2) Department of Revenue and Finance; which shall be under the supervision of the Commissioner of Revenue and Finance.

(3) Department of Public Health and Safety, which shall be under the supervision of the Commissioner of Public Health and Safety.

(4) Department of Public Works, which shall be under the supervision of the Commissioner of Public Works.

(5) Department of Streets, which shall be under the supervision of the Commissioner of Streets.

Council to Assign Powers and Duties.

Sec. 28. (1) The Council at its first regular meeting after every General Municipal Election, or within ten days thereafter shall, by majority vote, designate and assign one of its members, not the Mayor, to be Commissioner of Revenue and Finance; one to be Commissioner of Public Health and Safety; one to be Commissioner of Public Works; and one to be Commissioner of Streets. Provided, however, if the Council be unable to agree within said ten (10) days upon such designation, the Mayor shall have the authority to make such designation. It is expressly provided that the number by which a Commissioner was designated upon the official ballot shall bear no relation to and shall in no manner be considered in the determination of the particular Commissionership or Department to which such Commissioner is designated and assigned.

(2) The Council may change such designations and as-

signments, except that of Department of Public Affairs, by ordinance, whenever it shall determine that the public service requires such change.

(3) The Council shall prescribe by ordinance the powers and duties of all officers and employes when the same are not prescribed by this Charter, and may prescribe for Departments, officers, Boards and employes powers and duties in addition to those prescribed by this Charter, not inconsistent therewith (except that as to the Civil Service Board such may be done only at the request of said Board); may assign or reassign particular officers and employes to duty in more than one Department of the City Government; may require an officer or employe to perform duties in two or more Departments of the City Government; and may make rules and regulations, not in conflict with law or this Charter, for the efficient and economical conduct of the business of the City.

Except as in this Charter otherwise provided, these several Departments shall be composed, officered and organized and the persons employed therein shall be chosen as the Council may by ordinance provide, and the Council must, at all times, keep in full force and effect Ordinances making provision for all such matters.

Department of Public Affairs.

Sec. 29. (1) The Department of Public Affairs shall have supervision of the relations of the City with the government of the United States, the States of the Union, the County and other Municipalities, and shall have supervision over all Boards appointed by the Mayor.

Department of Revenue and Finance.

(2) The Department of Revenue and Finance shall have supervision of all financial matters of the City, except as otherwise provided in this Charter; and shall include the office of the Treasurer. *P.T.S.*

Department of Public Health and Safety.

(3) The Department of Public Health and Safety shall have supervision over and shall include the Police Department, the Fire Department, the Health Department, the Electrical Department, the Municipal Employment Office, the office of License Inspector and the office of Building Inspector.

Department of Public Works.

(4) The Department of Public Works shall have supervision of all buildings belonging to or used by the City, except as otherwise provided in this Charter, of all wharves, docks, slips, quays and water-front property, belonging to or under the control of the City, and of all public utilities of every kind and nature owned or operated by the City, and

not in this Charter assigned to another Department. Such supervision shall include supervision of construction, maintenance, repair and operation.

Department of Streets.

(5) The Department of Streets shall have supervision over all the streets of the City, except where the same may constitute a part of any wharf, dock, slip or quay belonging to or under the control of the City; shall have the supervision of all work done on, in or under the streets, except as aforesaid, whether in the nature of construction, maintenance or repair, and of all pipes, conduits, tunnels and other installation placed under the streets, and of all tracks, poles and other installation placed on or above the streets. Any quarry or quarries, and any plant or plants for the production, making or assembling of asphalt, or of any substance or material for use in the building, maintenance or repair of streets, operated by the City, shall be under the supervision of and be conducted by said Department.

The Chief Officials—General.

Sec. 30. (1) The chief officials of the City shall be a City Attorney; a Treasurer, who shall be ex-officio Tax Collector; a City Clerk; a City Engineer; a Chief of Police; a Chief of the Fire Department; a Street Superintendent; a Health Officer and a Superintendent of the Electrical Department. The Council shall by ordinance prescribe the duties of all the chief officials; and no enumeration in this Charter of the duties of any chief official shall be construed as limiting the power of the Council to impose on him other duties not inconsistent with this Charter. The Council, at any time, by an affirmative vote of four members, may consolidate and place in charge of one such chief official the functions and duties of two or more such chief officials. The Council shall have the power by the affirmative vote of three (3) members to remove from office any of the chief officials of the City.

The appointment of every Chief Official, not appointed by the Council, shall be subject to confirmation by the Council.

The City Attorney.

(2) The City Attorney shall be appointed by the Council. He must be at the time of his appointment a citizen of the United States and qualified to practice in all the Courts of this State, and he must have been so qualified, and have been a resident of the City of Oakland, for five years next preceding his appointment.

He shall prosecute and defend for the City all actions at law or in equity and all special proceedings for or against the City, and shall represent the City in all other actions or proceedings in which the rights and interests of the City are

concerned; and whenever any cause of action in law or in equity or by special proceeding exists in favor of the City he shall commence the same when directed to do so by the Mayor or by the Council. He shall give legal advice in writing to all officers and Boards named in this Charter when requested in writing so to do by them, or any of them, upon questions arising in their separate departments involving the rights or liabilities of the City. The form and legality of all contracts made by the City or by any officer or Board thereof shall be submitted to and passed on by the City Attorney before execution. He shall not settle or dismiss any litigation for or against the City under his control unless upon his written recommendation he is ordered so to do by the Council.

He shall keep on file in his office all written opinions given by him to any officer, Board or Department, the briefs and transcripts used in causes where he appears, and bound books of record and registry of all actions or proceedings under his charge in which the City is interested.

He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession belonging to his office, or to the City, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

The Treasurer and Ex-Officio Tax Collector.

(3) The Treasurer shall be assigned to the Department of Revenue and Finance, and shall be appointed by the Commissioner of Revenue and Finance.

The Treasurer shall be ex-officio Tax Collector. As Tax Collector he shall perform the duties in this Charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the City, and all other moneys provided to be paid into the Treasury by this Charter, and shall keep an account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this Charter.

The Treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the Auditor, stating the amount of the same, to what fund applicable and by whom to be paid.

For all moneys received the Treasurer shall give a duplicate receipt, one of which shall be countersigned by the Auditor before delivery to the party making payment, and the other shall be delivered to and retained by the Auditor.

The Treasurer shall not pay out any money belonging to the City except upon claims presented, allowed and audited in the manner provided by this Charter.

The Treasurer shall make monthly statements to the Coun-

cil of the receipts and expenditures of the preceding month.

At no time shall the weekly balance in the vaults of the Treasury exceed the sum of twenty thousand (20,000) dollars; provided, that applications are on file with the Treasurer from a bank or banks in the City of Oakland for the deposit of City money in accordance with the laws of the state.

The Treasurer shall perform such other duties as may be designated by ordinance or the provisions of this charter.

The City Clerk.

(4) The City Clerk shall be appointed by the Council. He shall be Clerk of the Council. He shall be custodian of all deeds and of all other evidences of the title to property of the City. He shall deliver all such deeds and other evidences of title to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

The City Engineer.

(5) The City Engineer shall be assigned to the Department of Public Works and shall be appointed by the Commissioner of Public Works; he shall be a civil engineer of not less than five years' practical experience as such; he shall possess the same power in the City in making surveys, plats and certificates as is given by law to City Engineers or to County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are given by law to those of City Engineers or County Surveyors. He shall be the custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indexes thereof and shall turn over the same to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the City.

Police and Fire Chiefs and Health Officer.

(6) The Chief of Police, the Chief of the Fire Department and the Health Officer shall be assigned to the Department of Public Health and Safety, and shall be appointed by the Commissioner of Public Health and Safety.

Superintendent of Streets.

(7) The Superintendent of Streets and the Assistant Superintendent of Streets shall be assigned to the Department of Streets and shall be appointed by the Commissioner of Streets.

During the absence or disability of the Superintendent of Streets the Assistant Superintendent of Streets shall act as Superintendent of Streets pro tempore and shall have his powers and duties.

The Superintendent of Streets shall be a civil engineer of at least five years' practical experience as such.

Superintendent of Electrical Department.

(8) The Superintendent of the Electrical Department shall be assigned to the Department of Public Health and Safety and shall be appointed by the Commissioner of Public Health and Safety.

Subordinate Officers and Employees.

Sec. 31. The Council shall have the power by ordinance to create, consolidate and discontinue offices, deputyships, assistantships and employments other than those prescribed in this Charter. The Council shall also have the power, except as otherwise provided in this Charter, to prescribe the methods by which such offices, deputyships, assistantships and employments shall be filled, and the duties pertaining thereto, and also the method by which any such office, deputyship, assistantship or employment shall be declared vacant and the holder thereof removed therefrom.

Compensation of Officers and Employees.

Sec. 32. The compensation of all City officers, officials or employees not fixed in this Charter shall be fixed by the Council, except where this Charter provides that such officials or employees shall receive no compensation or that their compensation shall be fixed by a person, board or body other than the Council. No officer, official or employee of the City shall receive from any source any fee, perquisite, emolument, reward or compensation other than the compensation provided for in this Charter or by the Council. All fees collected by any officer, official or employee of the City shall be paid by him into the City Treasury.

Pension for Superannuated Employees.

Sec. 33. Whenever any employee of the City of Oakland except a member of the Police or Fire Department, shall have been continuously employed in the service of the City for a period of twenty-five years and shall have attained the age of sixty-five years the Council shall have the power upon the unanimous recommendation of the Civil Service Board to retire said person and shall have the power to order to be paid to said person so retired a pension during the remainder of his life. Said pension shall not exceed a sum equal to one-half of the salary paid to said employee at the time of his retirement.

Reports of Departments.

Sec. 34. The Mayor and Commissioners comprising the Council, the Auditor, the Treasurer, the Chief of Police, the Chief of the Fire Department, the Board of Library Directors, the Board of Park Directors, the Board of Playground Directors, the Health Officer and all other officers, officials and boards shall each of them render annually, or oftener if required by the Council, a full and complete written report of the business transacted by each of them and their subordinates subsequent to the rendering of their last previous report together with comments on and recommendations for the betterment of the work of their offices. Such reports shall be filed with the City Clerk. The Council shall have the power to order such of said reports printed in pamphlet form as it may deem advisable to be so printed.

Commissioners to Hold No Other Office.

Sec. 35. No Commissioner shall hold any other municipal office or any other office or employment the compensation for which is paid out of any City moneys; or be appointed or elected to any office created by the Council or the compensation of which is increased by the Council while he is a member thereof, until at least one year shall have expired after the expiration of the term for which he was elected.

Officers Not to Be Interested in Contracts or Franchises.

Sec. 36. No officer or employee shall as agent, attorney or otherwise, be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by Municipal authority; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer or employee, except call men or extra men employed in the Fire Department of the City shall be in the employ of any public service corporation in the City.

Any violation of the provisions of this section shall be cause for removal from office.

The Council shall enforce the provisions of this section by appropriate legislation.

Payment of Debts.

Sec. 36½. Failure of any employee to promptly pay any legal indebtedness for the necessaries of life contracted by him while in the service of the City shall be ground for his removal from such employment.

No Officer to Direct Subordinate to Do Other Than Official Service.

Sec. 37. No officer or employee of the City of Oakland shall

detail or cause any officer, employee or subordinate officer of the City of Oakland, or any part thereof, to do or perform any service or work outside of his public service, work or employment, and any violation of this section shall constitute a misdemeanor, punishable by a fine of not more than Five Hundred Dollars, or by imprisonment for not more than six months.

City Officers and Employees Not to Hold Other Public Offices of Profit.

Sec. 38. No person holding any office, position or employment under the City government shall be eligible to or hold any other elective or appointive office under the government of the City of Oakland. And no person holding any office, position or employment under the city government carrying with it a salary or emoluments of more than fifty (50) dollars per month, paid out of any money of the City shall hold any such position under the City government while holding any office or position of profit under the government of this State, of any other State, of the United States or of any other nation, government or country. The Council shall pass such ordinances or resolutions as may be necessary to carry out the provisions hereof.

ARTICLE VIII.

THE COUNCIL.

The Council, the Governing Body.

Sec. 39. The Council shall be the governing body of the Municipality. It shall exercise the corporate powers of the City, and, subject to the express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

President and Vice-President.

Sec. 40. The Mayor shall be President of the Council and shall preside at its meetings when present. The Council shall elect one of its number to be Vice-President.

Meetings of the Council.

Sec. 41. At eleven o'clock a. m. on the first day of July following the canvass of the General Municipal Election, the Council shall meet, at which time the newly elected Commissioners shall assume the duties of their office. The Council shall meet in regular session every day (Saturdays, Sundays and legal holidays excepted), at 11 o'clock a. m.

Special meetings of the Council may be held at any time on the written request of any two Commissioners filed with the City Clerk; provided, that the said written request for said special meeting shall set forth the object of the special

meeting. The said Clerk shall give reasonable notice to each Commissioner of the time of said special meeting and the object thereof, and at said special meeting no other business shall be transacted than that specified in the said written request.

Executive sessions of the Council may be held at any time, provided, that no executive session shall be held with any other person present than an elected or appointed officer of the City.

Office Hours.

Sec. 42. Each Commissioner shall have an office at the City Hall set apart and furnished by the City, and he shall be in his said office, where he can be interviewed by citizens or persons having business to transact with the City, between the hours of 10 o'clock a. m. and 11 o'clock a. m., except when prevented by sickness or other good cause or except when absent by permission of the Council, daily (Saturdays, Sundays and legal holidays excepted).

Meetings to be Public.

Sec. 43. All sessions of the Council, whether regular or special, at which any official action is taken shall be open to the public.

Quorum.

Sec. 44. A majority of the members of the Council shall constitute a quorum for the transaction of business.

Rules of Proceeding.

Sec. 45. The Council shall establish rules for its proceedings.

Ordinances and Resolutions.

Sec. 46. (1) The Council shall act only by ordinance or resolution.

Ayes and Noes.

(2) The Council shall pass ordinances and resolutions only by taking the ayes and noes, which shall be entered in its minute book. Upon the demand of any member the ayes and noes shall be taken and recorded on any motion. All votes of the Council on appointments or declaring positions vacant shall be by ayes and noes, and recorded.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the Council.

Subject of Title.

(4) Every ordinance or resolution, except an ordinance

making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations, and shall contain only one such appropriation. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting Clause of Ordinances.

(5) The enacting clause of all ordinances passed by the Council shall be substantially in these words: "Be it ordained by the Council of the City of Oakland as follows":

Requirements of an Ordinance.

(6) To constitute an ordinance a bill must before final action thereon, be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

No ordinance shall be finally passed by the Council until it has been read in open Council three times and printed as provided in the Charter. Between the second and third readings at least one week shall elapse. All ordinances shall be printed as provided in this Charter after having been read in the Council the second time. Whenever and as often as any ordinance under consideration by the Council shall be amended the said ordinance, as amended, shall be considered to have been read only once and shall be read a second time, passed to print and read a third time before being finally passed.

Ordinances Required in Certain Cases.

(7) No action providing for any specific improvements; for the appropriation, acquisition, transfer, sale or lease of public property; for the levying of any tax or assessment; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken, and no franchise shall be granted except by ordinance; provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

All appropriations of money by the Council shall be by ordinance, provided that appropriations for sums less than Five Hundred (500) Dollars may be made by resolution, on which a vote by ayes and noes shall be taken and recorded; provided further that four affirmative votes shall be required to pass such resolution; provided further that only one such resolution shall be passed appropriating money, directly or indirectly, for any one purpose or object, or for any

two or more purposes or objects directly or indirectly related to each other or which may be directly or indirectly parts of the same general or particular scheme or proposition.

Reconsideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) The City Clerk shall, with the Mayor, sign and attest all ordinances and resolutions.

Revision and Amendment.

(10) No ordinance shall be amended or changed except by ordinance. And the section or sections which it is proposed to alter shall be printed in full together with the section or sections which it is proposed to adopt.

Ordinances Granting Franchises.

(11) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before two years prior to its expiration.

Record of City Ordinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances," which book shall be indexed as to each ordinance. Such record copy, with such certificate, or the original ordinance, shall be *prima facie* evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

Sec. 47. No final action shall be taken in any matter concerning the special Department of any absent Commissioner unless such business has been made a special order of the day by action at a previous meeting of the Council at which such Commissioner was present, or such action is taken at a regular meeting of the Council.

Publication of Charter and Ordinances.

Sec. 48. The Council, during the first year after its organization under this Charter and from time to time thereafter, shall cause all ordinances at such time in force to be

classified under appropriate heads, and, together with or separately from the Charter of the City and such provisions of the Constitution and laws of the State as the Council may deem expedient, to be published in book form. The Council shall, as soon as convenient, cause the Ordinances of the City to be codified in two classes, civil and criminal.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General Powers of the City.

Sec. 49. Without denial or disparagement of other powers now held by or that may hereafter be given to the City under or by the Constitution or the laws of the State, the City of Oakland shall have power:

Seal.

(1) To make, have and use a corporate seal and to alter the same at pleasure;

To Sue and Be Sued.

(2) To sue and be sued in all actions and proceedings whatever;

To Receive Gifts.

(3) To receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purpose or purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise handle or dispose of the same in accordance with the terms of the gift, bequest or donation;

To Acquire Property.

(4) To acquire by purchase, condemnation or otherwise, take, hold, lease, sell, grant, convey and incumber such real and personal or mixed property or interest therein, whether located within or without the limits of the City, as may be necessary or convenient for the purposes of the City;

Public Buildings, Works and Institutions.

(5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and farm schools, work houses, detention houses, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the pro-

duction, making or assembling of asphalt or of any other substance or material for use in the building, maintenance or repair of streets; plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the City, including pile drivers, dredging machines, scows, tugs and suitable machinery; wharves, docks, waterways, canals and all other public buildings, places, works and institutions.

Belt Railway.

(6) To construct or to acquire by purchase and to maintain and operate belt lines of railroad along the water front or elsewhere within the City, with the necessary spurs and connections for the purpose of connecting warehouses, manufactories or other business industries and enterprises with each other and with any other railroad or railroads which do now or may hereafter enter the City, and to connect such lines of railroad with each other and to connect such warehouses, manufactories or enterprises, and railroads with docks and ships and to connect docks and ships with each other.

Waterfront and Wharves.

(7) To improve, keep in repair and control the water front of the City; to fix the rates of wharfage, dockage and tolls and provide for the collection thereof; to license, regulate and control, or restrain the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the City.

To deepen, widen, dock, cover, wall, alter or change the channels of water-ways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; and to control and regulate the use thereof.

Water, Light, Heat and Power.

(8) To provide for supplying the City and its inhabitants with water, gas, electricity or either or any thereof, or with any other means of heat, illumination, power or refrigeration; and to acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate plants and equipments for the production and management or distribution of gas, electricity, heat, refrigeration or power in any of their forms, by pipes, wire or other means.

Tunnels and Conduits.

(9) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or other public property and to lease or rent the use of such tunnels and conduits; provided, however, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

Telephone, Telegraph and Transportation.

(10) To acquire by purchase, condemnation, construction, lease or otherwise and to establish, maintain, equip, own and operate telephone and telegraph systems, railways and ferries and transportation service of any kind, when not contrary to the general law.

Sale of Products of Public Utilities.

(11) To sell, within or without the City, gas, water, electric current and any form of light, heat or power and all products of, or service by any public utility conducted or operated by the city.

Lease of Public Utilities.

(12) To lease to persons, firms or corporations for the purpose of maintenance and operation or use, any public utility owned or controlled by the City, provided that such leases shall be made only by Ordinance to the highest bidder and for a period not to exceed ten years.

Joint Ownership of Water Supply.

(13) To join with one or more cities incorporated under the Constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor, as may be provided for by the laws of this State.

Borrowing Money, Bonds, General.

(14) To borrow money for any of the purposes for which the City is authorized to provide and for carrying out any of the powers which the City is authorized to enjoy and exercise and to issue bonds therefor; provided, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Borrowing Money, Bonds, Special.

(15) To borrow money for any or all of the following specified purposes:

To improve and keep in repair the water front of the City; to deepen, widen, dock, cover, wall, alter or change the chan-

nels of water ways and courses and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; to acquire by purchase, condemnation or otherwise and to construct, establish and maintain plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front, including pile drivers, dredging machines, scows, docks and suitable machinery; to construct or acquire by purchase and to maintain and operate belt lines of railroads as provided for in subdivision six (6) hereof; and to issue, as security for the money so borrowed, bonds of the City, and to provide for the payment of the principal and interest thereof out of the revenues from any or all of the properties in this subdivision mentioned; provided that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken, shall be observed and followed, so far as applicable.

Direct Legislation by People.

Section 50. The electors of the City shall have power through the initiative and otherwise, as provided by this Charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the City or any of the specified powers of the Council.

Powers of the Council.

Sec. 51. Except as herein otherwise expressly provided, the Council shall exercise all the general powers of the City herein set forth and all powers now held by or that may hereafter be given to the City under the Constitution or the laws of the State; but only in the manner and under the conditions of this Charter, and subject to all the provisions thereof.

In addition to all such powers, the Council, subject to the provisions and restrictions of this Charter, shall have power:

Local Laws.

(1) To make and enforce local, police, sanitary and other laws and regulations.

Violation of Charter and Ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this Charter or of any Ordin-

ance; but no penalty shall exceed five hundred (500) dollars or six months imprisonment, or both.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisances, or otherwise.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty (250) dollars in any one instance for the apprehension and conviction of any person who commits a felony in the City, and to authorize the payment thereof.

Police and Fire Departments.

(5) To organize, provide, maintain and operate police and fire departments, erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this Charter.

Police and Fire Alarm Systems.

(6) To establish, operate and maintain a fire alarm and police telegraph or telephone system and maintain and control the same.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, guncotton, nitroglycerine, fireworks and other explosive materials and substances.

Inflammable Materials.

(8) To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials.

Engines and Boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in such localities as in the judgment of the Council would endanger public health, safety or comfort.

Fire Limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, and false work and other structures; to prevent the erection

and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(12) To require the owners and lessees of buildings or other structures to place on them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Protection Against Fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the City; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

Provisions for Safety in Theaters, Halls, Etc.

(14) To regulate the size and construction of the entrances to and exits from all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provision for Safety in Streets.

(15) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the City, and to require persons, firms or corporations operating street, interurban or other railroads in the City to station flagmen, place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the Council may deem proper. To require street car and local trains to be provided with fenders or other appliances for

the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the City. To regulate the speed with and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the City.

Improper Use of Streets.

(16) To regulate or prohibit the exhibition, posting, or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise, or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Shade Trees.

(17) To provide for the planting, maintenance or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Clearing of Sidewalks.

(18) To require the owners of real property in the city to remove grass, weeds, rubbish or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sewer and Other Connections.

(19) To require the owners of real property fronting

upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect therewith their several premises (allowing not more than fifty feet of frontage to any premises), before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and upon their default, to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

General Regulation of Streets.

(20) Except as otherwise provided in this Charter, or in the Constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the City.

Billboards and Signs.

(21) To regulate, license or prohibit the construction and use of billboards, signs and fences.

Animals.

(22) To regulate and prevent the running at large of any animals, to provide for the destruction of vicious dogs, to require the payment of license fees by the owners or persons having possession of dogs, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to Animals.

(23) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Preservation of health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the City; to make quarantine laws and regulations; to regulate, control and prevent the entry into the City of persons, baggage, merchandise or other property infected with contagious disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

Dangerous and offensive occupations; disagreeable noises.

(25) To regulate or prohibit the operation of all manufactures, occupations, businesses or trades which may be of such a nature as to affect the public health, safety or comfort or good order of the City or disturb the public peace, or

which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to pass ordinances for the regulation and suppression of disagreeable, offensive or injurious noises or odors.

Inspection of food products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, manufactured, produced or offered for sale in the City, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the City or having or keeping within the City any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the City.

Lodging, Tenement and Apartment Houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections.

(29) To regulate or prohibit the construction, repair or use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the draining, cleaning, or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying of the same shall be done.

Garbage.

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing businesses.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; provided, however, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such pro-

hibition as to location shall not apply to the renewal of any such license which was in force September 1, 1910, and which continues in force until this Charter goes into effect.

Regulation of public vehicles.

(32) To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting of charges in excess of such schedules.

Weights and measures.

(33) To provide for the inspection and sealing of all weights and measures used in the City, and to enforce the keeping and use by dealers of proper and correct weights and measures duly tested and sealed.

Public Shows. Gambling.

(34) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling or fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public order and decency.

(35) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the City.

Taxation.

(36) To levy and collect taxes upon all the real and personal property within the City, subject to the limitations elsewhere in this Charter provided.

Erroneously collected taxes.

(37) To order the repaying by the Treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(38) To fix the fees and charges for all official services not otherwise provided for in this Charter.

Mayor's urgency fund.

(39) To provide an urgent necessity fund not exceeding

five hundred dollars a year, to be expended by or under the direction of the Mayor.

Public Entertainments.

(40) To appropriate and spend money from the funds of the City for any or all of the following purposes:

(a) Reception and entertainment of public guests;
(b) Assistance of public celebrations held by the City at large;

(c) To aid in or carry on the work of inducing immigration to the City;

(d) To exhibit manufactured and other products of the City;

(e) Generally for the purpose of advertising the City.

Provided, however, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two and one-half ($2\frac{1}{2}$) cents on each one hundred (100) dollars valuation of the assessable property of the City of Oakland.

Lease of lands owned by the City.

(41) To provide for the lease of any lands now or hereafter owned by the City, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease; provided, that no such lease shall be for a period of more than twenty-five years, and provided, that the Council may in its discretion reject any and all bids.

Purchase of property under execution.

(42) To provide for the purchase of property levied upon or under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

(43) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the City.

Trusts.

(44) To provide for the execution of all trusts confided to the City.

Street grades.

(45) To establish or change the grade of any street or public place.

Street Work.

(46) To order the whole or any part of any street, avenue, lane, alley, court or public place within the City of Oakland to be graded or regraded to the official grade, planked

or replanked, paved or repaved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or recapped, sewered or re-sewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein or thereon, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein or thereon; to provide for the care of shade trees planted therein or thereon, and to cause shade trees to be planted, set out and cultivated therein or thereon and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the Council, the cost and expense of any of the foregoing improvements should be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street Opening.

(47) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court, or public place within the City or over tide lands or lands within the City covered by the waters of the Estuary of San Antonio or of any Bay, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the Council the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that no commissioner, secretary or attorney shall be appointed, and that all the duties imposed on commissioners, secretaries and attorneys under the general law shall be performed under the direction of the Commissioner of Streets and the City Attorney of the City, neither of whom shall receive compensation therefor, provided that nothing contained in this subdivision shall be construed as affecting any pending proceeding.

To make provision for the deposit with the Treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation mak-

ing such opening, such expense to be paid out of such deposit.

Light and Water.

(48) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the City with water for municipal and other purposes.

Boulevards.

(49) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, interurban, suburban or street railway and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for any railroad, interurban, suburban or street railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by vote of the electors, as provided in this Charter.

Closed or Abandoned Streets.

(50) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the Council shall deem that equity requires. But the Council shall have no power to convey by deed or otherwise without adequate compensation any street or portion of a street which shall have been acquired by the City by deed from any person or persons whatever. And this section shall not be construed as empowering or authorizing the Council to close any street or portion thereof merely by the consent of owners of lands adjacent thereto and when the public convenience does not so require.

Regulation of Public Utility Rates.

(51) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, firm or corporation in the City, for the use of water, heat, light, power or telephone service, supplied to the City or to the inhabitants thereof, and to prescribe the character and quality of the service.

Rates to Be Uniform.

(52) It is hereby provided that in fixing the rates charged by all such persons, firms or corporations, supplying water, heat, light, power or telephone service to the City or

to the inhabitants thereof, the Council may classify the customers of such persons, firm or corporation into distinct and separate classes, such classification to be based on the quantity and kind of service rendered; and the rates for such water, heat, light, power or telephone service shall be uniform per unit of measurement on such basis, and it shall be lawful for the Council, in regulating such rates, to establish in any class, a lower schedule of charges per unit of measurement for large consumers than for small consumers; but such rates, when established, must be strictly adhered to, and such reduction to large consumers shall not apply to nor be made to cover the aggregate consumption in separate and distinct plants, residences or places of business.

Regulation of Street Railroads.

(53) To regulate street railroads, their tracks and cars; to compel the owners of two or more such street railroads using the same street for any distance not exceeding fifteen (15) blocks, to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

Railroads to Keep Streets in Repair.

(54) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the City for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks; if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the Council may by Ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the Superintendent of Streets.

Spur Tracks.

(55) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railroads that may be built along the water front or with any other line or lines of railroad which do now or may hereafter enter the City, subject to such regulations and conditions as may be prescribed from time to time by the Council, such tracks to be

used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, during such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the Council.

Regulation of poles and wires.

(56) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the City, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the City; and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

Size and location of pipes.

(57) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, to provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the City, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

Elections.

(58) To make rules and regulations governing elections not inconsistent with this Charter, or the general laws of the State of California.

Pawnbrokers, Junk Dealers, etc.

(59) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in second hand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Public Charities.

(60) To grant to the Associated Charities of the City of Oakland a sum not to exceed three hundred dollars (\$300.00) per month to be expended in accordance with the Articles of Incorporation of that Association.

Public Buildings.

(61) To provide suitable rooms and buildings for the Courts, Boards and officers of the City, and such furniture, fuel, lights, stationery and other supplies as are necessary for the convenient transaction of the public business.

Municipal ownership.

(62) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional powers.

(63) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City or any of the provisions of this Charter, and to exercise all powers not in conflict with the Constitution of the State, with this Charter or with ordinances adopted by the people of the City.

ARTICLE X.

BOARD OF LIBRARY DIRECTORS.

Free Library, Etc.

Sec. 52. There shall be maintained in the City of Oakland free public libraries and reading rooms to be known as "The Oakland Free Library"; and there shall also be maintained in the City of Oakland a public Museum, or Museums, and public Art Gallery or Art Galleries.

Directors—Appointment, Etc.

Sec. 53. Such public libraries, reading rooms, museums and art galleries shall be under the exclusive control and management of a Board of Library Directors. The Directors shall be five in number and shall serve without compensation. The office of Director shall be filled by appointment thereto by the Mayor and confirmation thereof by the Council. An affirmative vote of three members shall be necessary for confirmation. Of those first appointed, one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the Director whose term of office next expires. Vacancies in the office of Library Director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or willful neglect in the performance of the duties of the office, by any Director, such Director may be removed from office by the Council by an affirmative vote of four members, but such Director shall be given an opportunity to be

heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such Director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such Director be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

Directors—Organization, Powers and Duties.

Sec. 54. The Directors shall organize by electing one of their number president; the person elected president shall hold his office for one year and until his successor is elected. The Librarian shall act as secretary to the Board. The Board must hold regular meetings at least once a month. The Board shall establish rules and regulations for its government and for the performance of its duties. The Board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from any and all of them except laborers, for the faithful performance of their duties, in such sums as may be fixed by it. Such bonds shall be approved by the Mayor and Auditor and filed in the office of the City Clerk.

The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all proceedings of the Board. The votes of all of its members shall be recorded in the minutes with the ayes and noes.

The Board shall have the exclusive management and disposal of all funds legally appropriated or received from any source for the support or benefit of said Oakland Free Library, Public Museum and Art Galleries.

The Board of Library Directors may, for and in behalf of the City of Oakland, receive donations, legacies, or bequests for the establishment, extension, improvement, maintenance or benefit of said libraries, reading rooms, museums and art galleries, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies, or bequests, be deposited in the Treasury of the City of Oakland to the credit of the Library Fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and benefit of said The Oakland Free Library, Public Museums and Art Galleries. If the money derived from such donations, legacies, or bequests shall, at any time, exceed in amount the sum necessary for immediate expenditure for said library, reading rooms, museums or art galleries, all, or part of the same

may be invested by the Board in interest bearing bonds of the United States, or of the State of California, or of any municipality, or school district thereof.

The Council must annually appropriate to the Board of Library Directors such amount as shall be sufficient to maintain and preserve the said The Oakland Free Library, Reading Rooms, Museums and Art Galleries in the City of Oakland, and shall appropriate such further sums for their extension, improvement and benefit as, in the judgment of the Council, may be necessary or appropriate; and the sums so appropriated shall be credited to the Library Fund, and the Board of Library Directors shall have the exclusive management and disbursement of the same.

The Board of Library Directors shall have power:—

(a) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said The Oakland Free Library, Museums and Art Galleries and all property belonging thereto, or under its control, or that may be loaned thereto.

(b) To prescribe the duties and powers of the Librarian and other officers and employees of the libraries, museums and art galleries, and reading rooms; to determine the number and qualifications as to residence, or otherwise, of all of such officers and employees, and appoint the same and fix their compensation. Said officers and employees shall hold their offices or positions at the pleasure of said Board.

(c) To purchase necessary or convenient books, journals, publications, art objects, scientific and other objects suitable for museums, and other personal property.

(d) To require the Secretary of State, or other State officials to furnish said library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

(e) To borrow books from, lend books to, and exchange the same, with other libraries and to allow non-residents to borrow books upon such conditions as it may prescribe.

(f) To establish such branch libraries, reading rooms, museums and art galleries as the growth of the City may from time to time require.

(g) To contract with the legislative bodies of neighboring municipalities, or the Board of Supervisors of Alameda County, for lending the books of the library to residents of said County, or neighboring municipalities, upon a reasonable compensation to be paid by said County or neighboring municipality.

(h) To do and perform any and all other acts and things necessary and proper to carry out the provisions of this Article.

(i) The Board of Library Directors shall also have such powers and duties, not inconsistent with the provisions of this Charter, as are now vested in or imposed upon Boards of Library Trustees by the act of the Legislature of the State of California, entitled "An Act to amend an Act approved March 23rd, 1901, and entitled 'An Act to provide for the establishment and maintenance of Public Libraries within Municipalities,'" approved April 12th, 1909, or by such other acts of said Legislature as may be hereafter enacted, amendatory thereof, supplemental thereto, or as may hereafter be substituted therefor.

Miscellaneous.

Sec. 55. The Oakland Free Library shall be forever free to the inhabitants and non-resident tax payers of the Municipality, subject always to such rules, regulations and by-laws as may be made by the Board of Library Directors; and provided, that for violations of the same a person may be fined or excluded from the privileges of the library.

The title to all property acquired for the purposes of The Oakland Free Library, Public Museum or Art Galleries, when not inconsistent with the terms of its acquisition, shall vest in the City of Oakland.

The Board of Library Directors shall, on the day following the August meeting of said Board in each year, make a report to the legislative body of the City of Oakland, giving the condition of the libraries and reading rooms, museums and art galleries on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and must immediately upon publication of such report, forward a copy thereof for filing to the State Librarian at Sacramento.

The Council shall have power to appropriate by ordinance to the Board of Library Directors and to authorize the use by them either in whole or in part, of any real estate belonging to the City for the purpose of erecting and maintaining a building or buildings thereon, to be used for the Library and reading rooms or branches thereof, or for museums or art galleries, and may appropriate the whole or any portion of any public building belonging to the City for such use.

ARTICLE XI.

BOARD OF PLAY GROUND DIRECTORS.

Control.

Sec. 56. All children's playgrounds now owned or controlled by the city, and all children's playgrounds that may hereafter be established or acquired by the city, shall be

under the exclusive control and management of the Board of Play Ground Directors.

Directors—Appointment, Removal.

Sec. 57. The Directors shall be five in number, not more than three of whom shall be of the same sex, and shall serve without compensation. The office of Director shall be filled by appointment thereto by the Mayor and confirmation thereof by the Council. Of those first appointed, one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the Director whose term of office next expires. Vacancies in the office of Play Ground Director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or willful neglect in the performance of the duties of the office by any Director, such Director may be removed from office by the Council by an affirmative vote of four members, but such Director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such Director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such Director be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

General Powers.

Sec. 58. The Board of Play Ground Directors shall have the complete and exclusive control, management and direction of the aforesaid play grounds, and the exclusive right to erect and superintend the construction of buildings thereon, pertaining to play-ground purposes. Said Directors may employ and appoint superintendents, laborers, instructors and other officers and assistants, prescribe and fix their duties, authority, compensation and qualifications as to residence or otherwise; they shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said play grounds. The Board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from all or any of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it; such bonds shall be approved by the Mayor and Auditor and filed in the office of the City Clerk. The Directors shall organize by electing one of their

number President and the Board may elect a Secretary who is not a member of the Board. The person elected President shall hold his office for one year and until his successor is elected. The Board must hold regular meetings at least once in every two weeks; the Board shall establish rules and regulations for its government and for the performance of its duties.

Rules.

Sec. 59. The Directors shall adopt rules and regulations for the government of the aforesaid play grounds not inconsistent with the ordinances of the City of Oakland or the laws of the State of California or with this Charter.

Receive Gifts.

Sec. 60. The Board of Play Ground Directors may for and in behalf of the City of Oakland receive donations, legacies or bequests for the improvement or maintenance of said play grounds or the acquirement of new play grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies or bequests, be deposited in the Treasury of the City of Oakland, to the credit of the Play Ground Fund; the same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such play grounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for the immediate expenditures for the acquirement, maintenance or improvement of play grounds the Board may invest all or a part of the sum in interest bearing bonds of the United States or of the State of California or of any municipality or school district thereof.

Council Set Aside Lands.

Sec. 61. The City Council shall have the power by ordinance to set aside either absolutely or for a definite period of time any lands belonging to the City for use as children's play grounds and the same shall when and so long as used by said Board for such use be under the exclusive control and management of the Play Ground Directors.

Appropriations—Accounts—Records.

Sec. 62. The Council shall for the purchase, development, acquirement and maintenance of children's play grounds annually appropriate to the Board of Play Ground Directors such amount as may in the judgment of the Council be necessary or proper, and the fund so appropriated shall be credited to the Play Ground Fund, and the

Board of Play Ground Directors shall have the exclusive management and disbursement of the same.

The Secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all proceedings of the Board. The votes of all its members shall be recorded in the minutes with the ayes and noes.

ARTICLE XII.

BOARD OF PARK DIRECTORS.

Control.

Sec. 63. All land and water parks, squares and public pleasure grounds now owned or controlled by the City of Oakland or that may hereafter be established or acquired by said City, excepting properties now or hereafter acquired or set apart for children's play ground purposes, and all grounds surrounding public buildings of said City, unless otherwise provided in this Article, shall be under the exclusive control and management of a Board of Park Directors.

Directors—Appointment—Removal.

Sec. 64. The Directors shall be three in number and shall serve without compensation. The office of Director shall be filled by appointment thereto by the Mayor and confirmation thereof by the Council. Of those first appointed, one shall be for two years, one for four years, and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the Director whose term of office next expires. Vacancies in the office of Park Director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or willful neglect in the performance of the duties of the office, by any Director, such Director may be removed from office by the Council by an affirmative vote of four members, but such Director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such Director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such Director be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

General Powers.

Sec. 65. The Board of Park Directors shall have the complete and exclusive control, management and direction

of the said parks, squares and grounds and the exclusive right to erect and to superintend the erection of the buildings and structures thereon pertaining to park purposes; provided, however, that the Council may erect or cause to be erected any municipal building or buildings thereon. Said Directors may employ and appoint superintendents, laborers, surveyors, gardeners, engineers and other officers and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said parks, squares, and grounds. The Board shall establish rules and regulations for the conduct of its officers and employees and may require adequate bonds from all or any of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the Mayor and Auditor and filed in the office of the City Clerk. The Directors shall organize by electing one of their number President and the Board may elect a Secretary who is not a member of the Board. The person elected President shall hold his office for one year and until his successor is elected. The Board must hold regular meetings at least once in every two weeks. The Board shall establish rules and regulations for its government and for the performance of its duties.

Leases—Restrictions.

Sec. 66. Except as provided in this Section nothing in this Article shall be construed to authorize the Board to lease any part of any of said parks, squares or grounds to any person, firm or corporation or to permit any person, firm or corporation to build or maintain any structure on any part of any park, square or ground, except as follows: First—The Board may lease for the use of the public for a period not greater than one year such buildings as it may construct or acquire, to such person, firm or corporation as shall undertake to serve such use. Second—The Board, with the consent of the Council, given by ordinance, may lease lands under its jurisdiction for the purpose of having the lessee erect thereon buildings and appurtenant structures and conduct the same for the use of the public. Every lease of the character last named shall be made in the same manner and under the same restrictions as are provided for leases by the Council in Subdivision forty-one (41) of Section fifty-one (51) of this Charter. And in every lease the Board shall reserve the right to enter at all times upon the premises so leased and shall make the condition that the building so leased shall be used for park-pleasure purposes only. No building shall be constructed

by the Board or by any lessee except it be within the objects and purposes for which said parks, squares and grounds were dedicated to or are held by the public; provided, however, that the Board, with the consent of the Council given by ordinance, may permit the use of a limited portion of any of the aforesaid parks, squares or grounds for exposition or convention purposes, but no such permission shall ever be granted except such exposition or convention be of national, state or municipal importance.

Gifts.

Sec. 67. The Board of Park Directors may for and on behalf of the City of Oakland, receive donations, legacies or bequests for the improvement or maintenance of said parks, squares and grounds, or for the acquirement of new parks, squares and grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the Treasury of the City of Oakland to the credit of the Park Fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares and grounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks, squares and grounds the Board may invest all or a part of the same in interest-bearing bonds of the United States or of the State of California or of any municipality or school district thereof.

Works of Art.

Sec. 68. No outdoor work of art shall become the property of the City unless such work of art shall be approved by the Board; nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the City of Oakland. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs or other sculptures, monuments, fountains, arches, or other structures of a permanent character intended for ornament or commemoration.

Appropriations—Accounts—Records.

Sec. 69. The Council shall, for the purchase, development, equipment and maintenance of parks, squares and public pleasure grounds, annually appropriate to the Board of Park Directors such amount as may in the judgment of the Council be necessary or proper, and the funds so appropriated shall be credited to the Park Fund, and the Board

of Park Directors shall have the exclusive management and disbursement of the same.

The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the Board. The votes of all its members shall be recorded in the minutes with the ayes and noes.

ARTICLE XIII.

CIVIL SERVICE.

Board—Appointment of.

Sec. 70. There is hereby established a Civil Service Board, consisting of three members.

The Mayor first elected after the adoption of this Charter shall, within sixty days after taking office, appoint, subject to confirmation by the Council, one member of said Board to serve until July first, 1913, another member to serve until July first, 1915, and a third member to serve until July first, 1917. In the month of June, 1913, and every second year thereafter, one member shall be in like manner appointed for a term of six years, to take the place of the member whose term shall next expire.

Each member of the Civil Service Board shall receive Ten (10) Dollars for each meeting of the Civil Service Board which he shall attend, provided that he shall not receive more than Forty (40) Dollars in any one month.

If a vacancy occurs in the Board, it shall be filled by appointment by the Mayor, subject to confirmation by the Council, for the unexpired term.

Removal—Equipment—Clerk.

Sec. 71. In cases of misconduct, inability or willful neglect in the performance of the duties of the office by any member of the Board, such member may be removed from office by the Council by an affirmative vote of four members, but such member of the Civil Service Board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses who shall be required to give testimony if such member of the Civil Service Board so requests. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such member be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk, and shall be and become a matter of public record. The Council shall provide suitable accommodations and equipment to enable the Board to properly attend to its business. Said Board shall appoint a

clerk who shall keep a record of all its meetings and of the work of said Board, and shall perform such other service as the Board may require. The Board shall fix the compensation of such clerk.

Classified Civil Service.

Sec. 72. The Board shall classify all places of employment now existing or hereafter created in or under the Department of Public Affairs, in or under the Department of Revenue and Finance, in or under the Department of Public Health and Safety, in or under the Department of Public Works, and in or under the Department of Streets, and in the office of the Auditor, excepting the places and offices specified in Section eighty (80) hereof. The places so classified by the Commissioners shall constitute the classified civil service of the City, and no appointment to any such place shall be made except according to the rules herein-after mentioned.

The Board shall provide for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

The Council, whenever requested by the Board, may by ordinance confer upon the Board such rights, duties and privileges other than those mentioned in this Charter, as may be necessary adequately to enforce and carry out the principles of Civil Service.

Rules.

Sec. 73. The Board shall make rules to carry out the purposes of this Article, and for examinations, appointments and promotions. All rules and all changes therein shall be forthwith printed by the Board for distribution.

Examinations.

Sec. 74. All applicants for places in the classified civil service shall be subjected to examination, which shall be public, competitive and free. The Board shall hold such examinations on the first Monday in April and the first Monday in October of each year, and oftener if it deem necessary. Such examinations shall be for the purpose of determining the qualifications of applicants for positions, and shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the positions to which they seek to be appointed.

Notice to Board of Appointments, Etc.

Sec. 75. Immediate notice in writing shall be given by the appointing power to the Board of all appointments, permanent or temporary, made in such classified service, and

of all transfers, promotions, resignations, suspensions, fines, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by the Board. When any place of employment is created or abolished, or the compensation attached thereto altered, the power making such change shall immediately report the fact in writing to the Board.

Certification of Persons.

Sec. 76. Whenever a position in the classified civil service is to be filled, the Board shall, as soon as possible, certify to the appointing power three times the number of persons necessary to fill such position; provided, that said Board shall always certify the persons having the highest standing on the eligible list for the position to be filled; and provided, further, that a less number may be certified when there is not the required number on the eligible list. All persons not appointed shall be restored to their relative positions on the eligible list. All persons who have been on the eligible list for two years without appointment shall be removed therefrom.

Promotions.

Sec. 77. The Board shall provide for promotion in the classified service on the basis of ascertained merit, seniority in service and standing upon competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from among such members of the next lower rank established by the Board as submit themselves for such examination for promotion. The Board shall certify to the appointing power the names of not more than three applicants having the highest rating for each promotion.

Persons Certified Must Be Appointed.

Sec. 78. In all cases the appointing power shall notify the Board of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the Board therefor. Such appointment shall be on probation of a character and for a period to be fixed by the rules of the Board, but not to exceed one year.

Certification to Auditor.

Sec. 79. The Board shall certify to the Auditor all appointments to places of employment in the classified civil service, and all vacancies occurring therein, and all fines and suspensions made under the provisions of this Article.

To Whom Apply.

Sec. 80. The provisions of this Article shall apply to all appointed officers and employees of the City in or under

any of the departments enumerated in Section Seventy-two (72) of this Charter, except the following:

The Chief Officials of the City enumerated in Section Thirty (30) of this Charter; the Building Inspector; the City Wharfinger; the License Inspector; the Bacteriologist; the City Chemist; the Sanitary Inspector; the Market and Food Inspector; the Plumbing Inspector; the Mayor's Secretary; the Assistant City Attorneys, and such other officers and employees of the City not included either in the Police Department or in the Fire Department, as may be excepted from the operation of the Civil Service rules, upon the recommendation of the Council, approved by the unanimous vote of the Civil Service Board. Provided, that persons employed by the City and persons employed in the City Engineer's office on September 1, 1910, may retain their employment under the City, subject to classification and reclassification by the Civil Service Board without further examination, unless removed for cause or unless it shall be determined by the Civil Service Board that their employment by the City is unnecessary.

Removal—Suspension—Fine.

Sec. 81. All persons holding positions in the classified civil service shall be subject to suspension, fine and also to removal from office or employment, by the Commissioner in whose Department they are employed, or, in case of persons employed in the office of the Auditor, by the Auditor, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the Department or office; but subject to the appeal of the aggrieved party to the Civil Service Board as herein provided.

Any chief official, any subordinate officer, and any superintendent or foreman in charge of municipal work may temporarily suspend any subordinate then under his direction for incompetency, neglect of duty or disobedience of orders, but shall within twenty-four hours thereafter report the facts in writing to the Commissioner of his Department or to the Auditor, as the case may be, and furnish a copy of the report to the subordinate suspended, upon his request therefor. The Commissioner (or Auditor) shall thereupon, if demanded by the subordinate suspended, hear evidence for and against him, and shall thereupon affirm or revoke such suspension, according as he finds the facts to warrant.

Appeals.

Sec. 82. Any person suspended, fined or discharged (and any person whose order of suspension above provided for has been revoked) may within five days from the mak-

ing by a Commissioner (or the Auditor) of the order suspending, fining or discharging him, or affirming or revoking an order of suspension, as the case may be, appeal therefrom to the Civil Service Board, which shall fully hear and determine the matter. The accused shall be entitled to appear personally, and to have counsel and a public hearing. The finding and decision of the Board shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

Report.

Sec. 83. Said Civil Service Board shall make annual report to the Council and it may require a special report from said Board at any time.

Temporary Appointments.

Sec. 84. Appointments to fill temporary positions may be made only with the unanimous consent of the Board, and temporary appointments so made shall lapse and become void at the end of a period of time not to exceed eight months, and persons whose appointment shall so lapse shall not again be appointed unless such appointment be made through Civil Service Examinations as herein provided.

Prohibition of Improper Political Activity, Etc.

Sec. 85. No Civil Service employee and no laborer in the employ of the City shall take part in the conduct of any municipal election, or any municipal campaign, nor shall he hold office in or be a member of any political club or organization.

No carriage, automobile or other vehicle belonging to or controlled by the City shall be used except in the official business of the City.

No elected official of the City shall solicit the employment by or recommendation of any person whatsoever by any public service corporation holding any franchise under or doing any business with the City of Oakland.

Penalty.

Sec. 86. Any person violating any of the provisions of this Article or any rule hereunder shall be deemed guilty of a misdemeanor, and for such offense may upon conviction thereof be suspended, reduced in grade or dismissed from the Service.

ARTICLE XIV.

POLICE DEPARTMENT.

Organization.

Sec. 87. The Police Department shall consist of a Chief of Police, Captain of Inspectors who shall act as Chief of

Police in the absence of the Chief of Police, and such Captains of Police, Lieutenants, Inspectors, Assistant Inspectors, Sergeants, Corporals and Bailiffs as in the judgment of the Council the needs of the service may require. Provided, however, that it shall not be incumbent upon the Council to create or fill all of the above positions.

Patrolmen shall be appointed in such numbers as not to exceed one patrolman for every eight hundred inhabitants of the City.

Qualifications.

Sec. 88. No person shall become a member of the Police Department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the City of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the City of Oakland, shall be deemed to satisfy this provision. Every appointee to the department shall be not less than twenty-five nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.

Appointments—Duties of Chief of Police.

Sec. 89. The Chief of Police, Captain of Inspectors, Captains of Police, Lieutenants, Inspectors, Sergeants, Corporals, Bailiffs, Patrolmen and all other officers and members shall be appointed by the Commissioner of Public Health and Safety, subject to the Civil Service provisions of this Charter, and the appointment of the Chief of Police shall be subject to confirmation by the Council. The members of the Police Department appointed prior to September 1st, 1910, who are in good standing at the time this Charter goes into effect, shall be retained in their respective positions, except as otherwise in this Charter provided. The Chief of Police shall be the Chief Executive officer of the department and shall be held responsible for the execution of all laws and ordinances, and of the rules and regulations of the department, and shall exercise such other powers connected with his office as may be provided for by ordinance not inconsistent with this Charter. He shall see that the orders and processes issued by the Police Court are promptly executed. For failure or refusal to perform his duties, the Chief of Police shall be removed from the service.

Change of Titles of Present Officers.

Sec. 90. The present Superintendent of Police shall be designated Chief of Police; the Captain of Detectives shall

be designated Captain of Inspectors; Inspectors of Police shall be designated Captains of Police; Detectives shall be designated Inspectors. Station keepers and court officers shall be designated Corporals.

Salaries.

Sec. 91. The officers and members of the Police Department shall receive annual compensations, comprising their salaries and an allowance of Two (2) Dollars per month for the Police Relief and Pension Fund herein provided for, as follows:

Chief of Police	\$3300.00
Captain of Inspectors	2400.00
Captains of Police	2100.00
Lieutenants	1800.00
Inspectors	1740.00
Assistant Inspectors	1620.00
Sergeants	1620.00
Corporals	1500.00
Bailiffs	1500.00
Patrolmen, first year of service	1224.00
Patrolmen, second year of service.....	1344.00
Patrolmen, third year of service.....	1404.00

Said compensations shall be paid in equal monthly installments.

No compensation higher than those herein specified shall be paid to any officer or member of the Police Department and no rank or grade other than those herein specified shall be created in said department, unless the rank or grade created carry a lower salary than the lowest herein specified.

Leave of Absence.

Sec. 92. Each member of the Police Department shall be entitled to fifteen days' vacation annually with full pay. Such vacations shall be had at such times as the Chief of Police may direct. Each member of the Police Department shall have two days off duty in each month with full pay, at such times as the Chief of Police may direct. A member becoming incapacitated for duty by reason of sickness, shall be entitled to thirty days' sick leave without loss of pay. If such sickness continue, he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the Council shall direct. A member on sick leave shall present such certificate of a reputable physician as the Chief of Police may direct.

POLICE RELIEF AND PENSION FUND.

Sec. 93. In order to continue in force, and make effectual pensions already existing in favor of the Police

Force, a fund is hereby created to be known and designated as the Police Relief and Pension Fund. The Mayor, the Commissioner of Revenue and Finance and the Commissioner of Public Health and Safety shall constitute a Board of Trustees of such fund, and the City Treasurer shall be the custodian of said fund.

Sec. 94. The said Board of Trustees may retire and relieve from service any aged, infirm or disabled member of the Department who has arrived at the age of sixty years, and who, upon examination by two regularly licensed and practicing physicians appointed by the Board of Trustees for that purpose may be ascertained to be by reason of age, infirmity, or other disability unfit for the performance of his duty. And said Board of Trustees shall at the request of any member of the Department who has arrived at the age of sixty years retire and relieve said member making such application. Such retired member shall receive from the Police Relief and Pension Fund a monthly pension equal to one-half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the Department for twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

Sec. 95. Any member of the Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the Board of Trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the Chief of Police, the Captain of the Division to which he belongs, and by two regularly licensed physicians of the City, recommending his retirement upon a pension, on account of such disability, may be retired from the Department upon an annual pension, equal to one-half of the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Sec. 96. (1) The Board of Trustees shall, out of the Police Relief and Pension Fund provide for the family of an officer, member or employee of the Department, who may be killed while in the performance of his duty as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children, under the age of sixteen years, or should the decedent leave a widow and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years, such child, or children collectively, shall receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death until the youngest child attains the age of sixteen years; provided, that no child shall receive any such pension after attaining the age of sixteen years.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one-half the salary attached to the position held by the decedent at the time of his death during such time as the Board of Trustees may determine its necessity.

(2) When a member of the Department shall die from causes other than those specified in subdivision (1) of this section after ten years of service, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to the sum of One Thousand (1000) Dollars.

(3) Any member of the Police Department receiving a pension from the Police Relief and Pension Fund, who shall become convicted of a felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this State, except on leave by the Board of Trustees, shall forfeit all right to said pension.

(4) The Board of Trustees may, on notice from the Chief of Police, reward any member of the Department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the Board of Trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of funds provided by the Council; and the Council may, on application of the Board of Trustees, provide money for such purposes.

(5) The Board of Trustees shall hold quarterly meetings in April, July, October and January of each year, and special meetings upon the call of its President; it shall issue warrants, signed by its President and Secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the Police Relief and Pension Fund. Each warrant shall state for what purpose the payment is made.

(6) The Board of Trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payments from the Police Relief and Pension Fund, stating the amount of such payment and for what granted; such lists shall be certified and signed by the President and Secretary of the Board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the Police Relief and Pension Fund Book. All warrants signed by the President and Secretary of the Board shall be presented to the Auditor and ordered paid by him out of said fund.

(7) The Board of Trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the Board of Trustees for any duty required or performed as a member of said Board of Trustees.

(8) The Board of Trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the Commissioner of Revenue and Finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the City.

(9) The Treasurer shall retain from the compensation of each member of the Police Department Two (2) Dollars per month, which shall forthwith be paid into the Police Relief and Pension Fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this Charter.

ARTICLE XV. FIRE DEPARTMENT.

Positions and Salaries.

Sec. 97. The Fire Department shall consist of a Chief of the Fire Department, an Assistant Chief of the Fire Department, a Second Assistant Chief of the Fire Department, as many Battalion Chiefs as the Council may deem necessary, a Superintendent of Engines, and as many Captains, Lieutenants, Engineers, Drivers, Tillermen, Stokers, Truckmen and Hosemen as the Council may deem necessary, and also such other employees as the Council may provide for by ordinance. The officers and members of the Fire Department shall receive annual compensations, comprising their salaries and an allowance of Two (2) Dollars per month for the Firemen's Relief and Pension Fund herein provided for, as follows:

Chief of the Fire Department	\$3600.00 per annum
Assistant Chief of the Fire Department	\$2400.00 per annum
Second Assistant Chief of the Fire Department.....	\$2100.00 per annum
Battalion Chiefs, each	\$1800.00 per annum
Superintendent of Engines.....	\$1800.00 per annum
Captains, each.....	\$1620.00 per annum
Lieutenants, each.....	\$1500.00 per annum
Engineers, each.....	\$1560.00 per annum
Drivers, Tillermen, Stokers, Truckmen and Hosemen, each for the first year of service.....	\$1224.00 per annum
For the second year of service.....	\$1344.00 per annum
And for the third year of service and thereafter	\$1404.00 per annum

Said compensation shall be paid in equal monthly installments.

No compensation higher than those herein specified shall be paid to any officer or member of the Fire Department, and no rank or grade other than those herein specified shall be created in said department unless the rank or grade created carry a lower salary than the lowest herein specified.

All members of the Fire Department, appointed prior to September 1st, 1910, and in good standing at the time this Charter goes into effect, shall be retained in their respective positions, except as otherwise in this Charter provided.

The present Fire Marshal shall be designated the Chief of the Fire Department.

Qualifications.

Sec. 98. No person shall become a member of the Fire Department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the City of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the City of Oakland, shall be deemed to satisfy this provision. Every appointee to the department shall be not less than twenty-one nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.

Appointments—Duties of the Chief of the Fire Department

Sec. 99. The Chief of the Fire Department, First Assistant Chief of the Fire Department, Second Assistant Chief

of the Fire Department, the Battalion Chiefs, Captains, Lieutenants, Superintendent of Engines, Engineers, Drivers, Tillermen, Stokers, Truckmen and Hosemen of the Fire Department, and all other officers and members, shall be appointed by the Commissioner of Public Health and Safety, subject to the Civil Service provisions of this Charter.

The Chief of the Fire Department shall be appointed subject to confirmation by the Council.

The Chief of the Fire Department shall be the Chief Executive of the Fire Department. He shall be charged with the special duty of superintending the extinguishment of fires. He shall have immediate control and management of all fire engines and fire apparatus belonging to the City, and all members and employees of the Fire Department shall be under his immediate control and command. He shall diligently observe the condition of the apparatus and workings of the Department and shall see that all laws, orders, rules and regulations in force, or that may be made by the Council relating to the Fire Department, are enforced. He shall submit in writing, at least once each month to the Commissioner of Public Health and Safety, a statement of the number of men employed, their compensation, the condition of the Department, and make such recommendations and suggestions respecting the same as he may deem proper. He shall have such other powers and perform such other duties as may be provided for by ordinance. In the absence or inability of the Chief of the Fire Department an Assistant Chief of the Fire Department shall perform his duties.

Leave of Absence.

Sec. 100. Each member of the Fire Department shall be entitled to fifteen days vacation annually with full pay; such vacations shall be had at such times as the Chief of the Fire Department may direct. Each member of the Fire Department shall be allowed a leave of absence of not less than twenty-four hours duration not less than once each week, with full pay. A member becoming incapacitated for duty by reason of sickness shall be entitled to thirty days sick leave without loss of pay. If such sickness continue he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the Council shall direct. A member on sick leave shall present such certificate of a reputable physician as the Chief of the Fire Department may direct.

FIREMEN'S RELIEF AND PENSION FUND.

Sec. 101. A fund is hereby created to be known and designated as the Firemen's Relief and Pension Fund. The

Mayor, the Commissioner of Revenue and Finance, and the Commissioner of Public Health and Safety shall constitute a Board of Trustees of such fund, and the City Treasurer shall be custodian of said fund.

Sec. 102. The said Board of Trustees may retire and relieve from service any aged, infirm, or disabled member of the Department who has arrived at the age of Fifty-five years, and who upon examination by two regularly licensed and practicing physicians, appointed by the Trustees for that purpose may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duty. Said Board of Trustees shall at the request of any member of the Department who has arrived at the age of Fifty-five years, retire and relieve such member making such application. Such retired member shall receive from the Firemen's Relief and Pension Fund a monthly pension equal to one-half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the Department for Twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

Sec. 103. Any member of the Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty upon his filing with the Board of Trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the Chief of the Fire Department, the Chief of the Battalion to which he belongs, and by two regularly licensed physicians of the City, recommending his retirement upon a pension, on account of such disability, may be retired from the Department upon an annual pension, equal to one-half the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in rank he occupied at the time of his retirement.

Sec. 104. (1) The Board of Trustees shall, out of the Firemen's Relief and Pension Fund, provide for the family of an officer, member or employee of the Department, who may be killed while in the performance of his duty as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, or

should the decedent leave a widow, and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years, such child, or children collectively, shall receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death until the youngest child attains the age of sixteen years; provided that no child shall receive any such pension after attaining the age of sixteen years.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one-half the salary attached to the position held by the decedent at the time of his death during such time as the Board of Trustees may determine its necessity.

(2) When a member of the Department shall die from causes other than those specified in subdivision one (1) of this section, after ten years of service, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to the sum of One Thousand (1000) Dollars.

(3) Any member of the Fire Department receiving a pension from the Firemen's Relief and Pension Fund, who shall become convicted of a felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this state, except on leave by the Board of Trustees, shall forfeit all right to said pension.

(4) The Board of Trustees may, on notice from the Chief of the Fire Department, reward any member of the Department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the Board of Trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of funds provided by the Council; and the Council may, on application of the Board of Trustees, provide money for such purposes.

(5) The Board of Trustees shall hold quarterly meetings in April, July, October and January of each year and special meetings upon the call of its President; it shall issue warrants, signed by its President and Secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the Firemen's Relief and Pension Fund. Each warrant shall state for what purpose the payment is made.

(6) The Board of Trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of

all persons entitled to payments from the Firemen's Relief and Pension Fund, stating the amount of such payment and for what granted; such lists shall be certified and signed by the President and Secretary of the Board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the Firemen's Relief and Pension Fund Book. All warrants signed by the President and Secretary of the Board shall be presented to the Auditor and ordered paid by him out of said fund.

(7) The Board of Trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the Board of Trustees for any duty required or performed as a member of said Board of Trustees.

(8) The Board of Trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the Commissioner of Revenue and Finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the City.

(9) The Treasurer shall retain from the compensation of each member of the Fire Department Two (2) Dollars per month, which shall forthwith be paid into the Firemen's Relief and Pension Fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this Charter.

ARTICLE XVI.

HEALTH DEPARTMENT.

Appointment.

Sec. 105. The Commissioner of Public Health and Safety as head of the Health Department shall appoint a Health Officer, a City Chemist, a Market and Food Inspector and a Plumbing Inspector, subject to confirmation by the Council. He shall also appoint all such other inspectors, clerks, assistants and employees, as may be provided for by the Council by ordinance, for the efficient administration of the Health Department.

Authority of Commissioner and Inspectors.

Sec. 106. Said Commissioner of Public Health and Safety shall have general supervision over the sanitary condition of the City and shall have power to compel owners of property to keep the same free from anything filthy, obnoxious or dangerous to health. He, or any authorized inspector of his Department, shall inspect when called upon

by any person, and when in his or their opinion it seems necessary, all provisions, meats, fish, fruit, vegetables, bread, flour, pork, whiskey, beer, wine, milk, water, and any and all meats and any and all other things offered for sale to be used as food or drink, and shall have the right to enter for the purpose of making such examination or inspection any place or building where any provisions, fruits, vegetables, whiskey, beer, wine, milk or other liquids are manufactured or kept for sale; and no person shall be permitted to sell or dispose of anything pronounced by said Commissioner or any authorized Inspector of his Department to be unfit for food or drink, and all such articles or things may be seized and destroyed by said Commissioner or by said Market and Food Inspector.

Qualification of Health Officer, Etc.

Sec. 107. The Health Officer shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years. He shall be licensed to practice medicine in this State. The City Chemist shall be a person skilled and qualified for the efficient and capable performance of the duties usually appertaining to such office. The Plumbing Inspector shall be a plumber of five years' practical experience and regularly licensed as such.

Power of Arrest.

Sec. 108. The Commissioner of Public Health and Safety and all regularly appointed employees of the Health Department shall have the right and power to arrest any person or persons who may violate any of the rules and regulations of the Department. It shall also be the duty of any police officer or policeman to arrest any person or persons guilty of such violation.

Duties of Physicians and House Holders.

Sec. 109. Every person in the City shall promptly report in writing to the Health Department every patient whom he shall have sick of an infectious, contagious or communicable disease dangerous to the public health; and every householder upon reasonable notice from said Department, that an occupant of his or her house is suffering from any infectious, contagious or communicable disease dangerous to the public health, shall forthwith adopt such preventive means and regulations as said Department shall prescribe. Every person who shall fail to report such case of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said Department, shall be subject to such fines and penalties as the Council may by ordinance prescribe.

ARTICLE XVII. ELECTRICAL DEPARTMENT.

Appointments.

Sec. 110. The Electrical Department shall be under the supervision of the Commissioner of Public Health and Safety. The Commissioner of Public Health and Safety shall appoint a Superintendent and an Assistant Superintendent, and necessary subordinates according to the Civil Service provisions of this Charter. The appointment of the Superintendent shall be subject to confirmation by the Council. The employees of this Department shall, as far as may be practicable, have the benefit of the provisions covering leave of absence and vacations which prevail in the Police and Fire Departments.

Powers and Duties.

Sec. 111. The Electrical Department shall have general charge and supervision over all municipal electrical matters, and in particular shall have charge of the construction and maintenance of the Fire Alarm and Police Telegraph Systems and is also charged with the duty of enforcing all the rules, regulations, orders and requirements, made by ordinances in regard to the inspection and supervision of electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the City of Oakland. This Department shall also have charge of the municipal lighting and power, and shall make tests of the gas used throughout the City to determine its light and heat giving properties.

ARTICLE XVIII. FINANCE AND TAXATION.

The Fiscal Year.

Sec. 112. The fiscal year of the City shall commence upon the first day of July of each year, and end on the thirtieth day of June of the following year.

Tax System.

Sec. 113. (1) Except as in this article otherwise provided, the assessment of property taxable in the City for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid

taxes for State and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for State and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the City shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes; and to that end:

1st—All powers and duties so by law conferred or imposed upon the County Assessor are hereby conferred and imposed upon the City Assessor.

2nd—All powers and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred and imposed upon the Council.

3d—All powers and duties so by law conferred or imposed upon the District Attorney are hereby conferred and imposed upon the City Attorney.

4th—All powers and duties so by law conferred or imposed upon the County Tax Collector are hereby conferred and imposed upon the City Tax Collector.

5th—All powers and duties so by law conferred and imposed upon the County Treasurer are hereby conferred and imposed upon the City Treasurer.

6th—All powers and duties so by law conferred or imposed upon the County Clerk or County Auditor are hereby conferred and imposed upon the City Clerk and City Auditor.

The Assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the State Board of Equalization, or as to school, road or other districts.

(2) On or before the first Monday in July in each year the Assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the City Clerk, and the Clerk shall thereupon notify the Board of Equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The Assessor must make the abstract provided for in Section (3678) of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city,

it shall be the duty of the Assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly.

(4) The Council may, by resolution, extend for not exceeding thirty days, the time fixed in this Article for the performance of any act.

(5) No City officer shall be required, by virtue of anything contained in this Article, to send or transmit any statement or report to any State officer or Board.

(6) The Assessor shall be governed, as to the amount of taxes to be by him collected on personal property, by the City tax rate of the previous year.

(7) All papers and instruments required to be filed or recorded with or by the County Recorder by the revenue and taxation laws of the State shall, under said laws as applied to the City, be in like manner and with like effect filed with and recorded by the County Recorder of Alameda County.

(8) The assessment of property within the City of Oakland, or assessable by the City, made by the City Assessor of the City of Oakland and the State Board of Equalization shall be the basis of taxation for the city.

(9) It shall be the duty of the Assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the City Clerk, to be by him compared with the entries on the assessment roll.

Department Estimates of Annual Requirements.

Sec. 114. On or before the third Monday in July of each year or on such date in each year as shall be fixed by the Council, the heads of departments, offices and boards shall send to the Commissioner of Revenue and Finance a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

Sec. 115. On or before the third Monday in August in each year, the Commissioner of Revenue and Finance shall submit to the Council an estimate of the probable expenditures of the City government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding bonded indebtedness of

the City and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget.

Sec. 116. The Council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the City government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office or board as the Council may deem advisable.

Board of Equalization.

Sec. 117. The Council shall meet at its usual place of meeting on the First Monday in July of each year, at eleven o'clock in the forenoon of said day, and sit as a Board of Equalization for the purpose of equalizing the taxes, and shall continue in session from day to day until the last Monday in July. The City Clerk shall give notice of such meetings by one publication in the official newspaper. Said Board of Equalization shall have power to hear complaints and to correct, modify, strike out or to lower or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

Annual Tax Levy.

Sec. 118. The Council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the City, subject to the provisions of this Charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the Auditor and ex-officio Assessor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the Auditor and ex-officio Assessor as being the assessment roll of said tax.

The tax levy authorized by the Council, when collected, shall be placed in the general fund, which may be appor-

tioned by the Council, except as otherwise provided in this Charter.

Taxation for School Purposes.

Sec. 119. The Council shall, when requested by the Board of Education, levy annually, a tax not to exceed five cents on each one hundred dollars of the assessed value of all real and personal property within the city. This amount when collected, shall be used in the building fund of the school department, and shall be used only for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto.

No land shall be purchased with any money raised by such tax except with the approval of the Council, as provided for by Sec. One Hundred Eighty-seven (187) of this Charter, and no school building or addition thereto shall be constructed with any money raised by such tax, except in the manner provided for by Secs. One Hundred Eighty-eight (188) and One Hundred Eighty-nine of this Charter, and no money raised by such tax shall be placed in any fund of the school department, except upon these conditions. The Council may, upon request of the Board of Education, levy a rate upon the taxable property of the city which will, with the money obtained from other sources for educational purposes, raise sufficient funds to adequately support the public schools of the city. The money collected for school purposes shall be immediately paid into the proper school fund of the city, to be drawn out only on the order of the Board of Education, and only for the purposes for which it was collected.

Cash Basis Fund.

Sec. 120. The Council shall create and maintain a permanent revolving fund, to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose the Council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or

funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the Cash Basis Fund be returned thereto before the end of the fiscal year.

Tax Liens.

Sec. 121. All taxes assessed, together with any percentages imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for City taxes due thereon, the same shall be struck off and sold to the City, in like case and in like manner and with the like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for State and County taxes, except that no certificate or receipt need be delivered to the State Controller and the Council shall have power to provide for the procedure to be followed in such sales to the City and redemption thereafter.

Duties of the Auditor.

Sec. 122. The Auditor shall be ex-officio Assessor. As Assessor he shall perform all the duties prescribed by this Charter or by law for assessing property in the City for purposes of taxation. As Auditor he shall keep and number a record of all demands allowed by him, showing the date of approval, amount, and name of original holder, the number, on what account and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the Council the condition of each fund in the treasury. He shall keep a complete set of books for the City, in which shall be set forth in a plain and businesslike manner every money transaction of the City, so that he can tell at any time the exact condition of the City's finances. He shall make an annual report showing the sources from which the City's revenue was derived and how expended.

The Auditor must prepare, countersign and deliver from time to time to the Treasurer, and to every officer authorized by law to charge or collect any fee, commission, percentage, allowance or compensation for the performance of

any official service or duty, as many receipts as may be required, charging therewith the Treasurer or other officials receiving them. He shall draw and sign all warrants upon the treasury. Every demand against the City from whatever source, including the School Department and the Oakland Free Library, when allowed by the Council or proper Board, shall have stamped upon it the date of approval by such body and shall be signed by the President and Secretary or Clerk of such body and shall then be presented to the Auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the Auditor shall reject it and return it with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a four-fifths vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected, provided the body had the authority to make the expenditure out of which the claim arose.

No demand upon the City treasury shall be considered, presented for action, or acted upon, allowed or approved unless it specifies on its face each several item composing it and the amount and date thereof. Every demand on any fund shall be numbered and acted upon by the Auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any firm, company or corporation, or his or its assigns, who is in any manner indebted to the City upon an obligation due the City, without first deducting therefrom the amount of such indebtedness. He shall on application of any person indebted to the City, holding money payable into the City treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the Treasurer with the amount received.

It shall be his duty to apportion among the several funds all public money at any time in the City Treasury, not by law or ordinance specifically apportioned and forthwith notify the Treasurer of such apportionment.

If for any reason a warrant remains unpaid for a period of three (3) years, during all of which time funds have

been available to meet it, the Auditor may cancel it upon his records, but he must at the same time enter a record of it upon a book kept for that purpose, and should demand be made for payment of the claim involved at a subsequent date, draw a warrant in payment therefor against the General Fund of the fiscal year then current.

Disposition of Money Collected.

Sec. 123. Every officer collecting or receiving any moneys belonging to or for the use of the City, or in his official capacity, shall settle for the same with the Auditor on or before the last day of each week, or at more frequent intervals as may be directed by the Council, and immediately pay all of the same into the treasury, accompanied by the certificate of the Auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the week falls upon a legal holiday, the said payments shall be made on the next preceding business day.

Uniform Accounts and Reports.

Sec. 124. Upon the recommendation of the Commissioner of Revenue and Finance and the Auditor, the Council shall provide by ordinance a system of accounting for the City not inconsistent with the provisions of this Charter, which shall be, as nearly as may be, a uniform system as to all departments.

ARTICLE XIX.

PUBLIC WORK AND SUPPLIES.

Form of Contracts.

Sec. 125. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City of Oakland by an officer or officers authorized to sign the same, and must be countersigned by the Auditor, who shall number and register the same in a book kept for that purpose.

Requirements for Bids.

Sec. 126. All proposals shall be made upon printed forms to be prepared by the City and furnished gratuitously upon application, with a form for the affidavit, hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive or made in the interest or in behalf of any person not therein named and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any

manner sought by collusion to secure to himself an advantage over any other bidder. Any bid made without such affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the Council or Board as the case may be.

All proposals offered shall be accompanied by a check certified by a responsible bank, payable to the order of the City Clerk, for an amount not less than ten per cent of the aggregate of the proposal; and no proposal shall be considered unless accompanied by such check.

No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, firm or corporation is interested, all such bids shall be rejected.

On the day and at the hour specified in said notice inviting sealed proposals the Council, or Board as the case may be, shall assemble and remain in session for at least one hour, and all bids shall be delivered to the Council, or Board as the case may be, while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Council, or Board as the case may be, shall be considered. Each bid as it is received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement, within which the bids will be received, the Council, or Board as the case may be, shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Council, or Board as the case may be, by the City Clerk or the Secretary of such Board. Before adjourning, the Council, or Board as the case may be, shall compare the bids with the record made by the City Clerk or the Secretary of such Board, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Council, or Board as the case may be, may adjourn to, award the contract to the lowest bidder, except as otherwise in this Charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the City Clerk, or the Secretary of such Board, on a bulletin board at or near the Council Chamber door of the Council.

The Council, or Board as the case may be, may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the City, and all bids other than the lowest regular bid; and on accepting such lowest bid, shall thereupon return to

the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Council, or Board as the case may be, shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance.

The check accompanying the accepted bid shall be held by the City Clerk until the contract for doing said work, as hereinafter provided, has been entered into, and the bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the City, and shall be collected and paid into the General Fund. Neither the City Council nor any Board shall have the power to relieve from or remit such forfeiture.

Penalty for Collusion.

Sec. 127. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bonds-men shall be liable to the City for all loss or damage which the City may suffer thereby, and the Council, or Board as the case may be, may advertise for a new contract for said work.

Contracts—Bonds.

Sec. 128. All contracts shall be signed in triplicate, one of which with the specifications, and drawings if any, of the work to be done or materials to be furnished, or both as the case may be, shall be filed with the City Clerk; one thereof with said specifications and drawings shall be kept in the office of the Commissioner of the department under whose supervision the work is to be done, or in case the work is being done under the supervision of a Board, then in the office of the Secretary of such Board; and the other with said specifications and drawings shall be delivered to the contractor.

At the same time with the execution of the contract the contractor shall execute to the City and deliver to the Auditor a bond in the form named in the notice for proposals with two or more sufficient sureties to be approved by the Council, or Board as the case may be, or shall deposit with the Auditor a certified check upon some solvent bank for the said amount, for the faithful performance of

the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the City and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the City, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the City, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The Council, or the Board as the case may be, may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the Council, or Board as the case may be.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract or within such extension of said time as herein provided for, the contract shall by that fact be terminated and the Council, or Board as the case may be, shall not thereafter pay or allow him any further compensation for any work done by him under said contract; and the Council, or Board as the case may be, may proceed to complete such contract either by reletting or otherwise and the contractor and his bondsmen shall be liable to the City for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Progressive Payments on Contracts.

Sec. 129. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to Be Done by Contract.

Sec. 130. In the erection, improvement and repair of all public buildings and works, in all streets and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same, or for any other use by the City, or in the purchasing of any supplies to be used by the City, when the expenditure required for the same exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished. Provided, however, the Council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the Department of Public Works or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received the Council may likewise provide for the work to be done by the Department of Public Works or the supplies to be purchased in the open market.

Indorsement of Auditor Upon Contracts.

Sec. 131. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessment upon the property benefited, shall be binding or of any force, unless the Auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The Auditor shall make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so certified by the board or officer making the contract, and thereafter such sum shall be held and retained to pay the expense incurred until the contract shall be fully performed. The Auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Contracts for Official Advertising.

Sec. 132. The Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the City of Oakland which is a newspaper of general circulation, having a bona fide general circulation of at least five thousand (5000) copies, and which newspaper has been regularly published in said City for two successive years prior to the time of awarding the contract, provided, that the Council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper." Except when otherwise provided in this Charter, or by general law, all official publications made by the City shall be made in the official newspaper only.

All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this Charter, by general law, or by any ordinance of the City to be made in any newspaper and all such publications for which the City of Oakland may be liable, shall be paid for by the City at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letterheads or other documents or printed matter required by the City shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be paid by the City for such advertising or printing in excess of the said usual business rates.

Contracts for Lighting.

Sec. 133. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the City be valid.

Contracts for Water.

Sec. 134. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed the minimum rates charged to

other consumers during the life of said contract with the City.

Hours of Labor.

Sec. 135. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the City and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with Bidder—Effect on Officer.

Sec. 136. Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment in or under the City of Oakland.

ARTICLE XX.

FRANCHISES.

Property Rights of the City Inalienable.

Sec. 137. The rights of the City in and to its water front, wharf property, land under water, public buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this Charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

Sec. 138. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the City unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this Charter.

Franchises to Use Streets.

Sec. 139. Every franchise, permit or privilege for the purposes hereinafter enumerated in this Section shall, except as otherwise provided in the Constitution of the State of California, be granted by the Council upon the condition specified in this Article, and not otherwise;

(1) Every franchise, permit or privilege to construct or maintain or operate a street railroad, a suburban railroad, or an interurban railroad along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the City of Oakland.

(2) Every franchise, permit or privilege to lay or maintain or operate pipes or conduits along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the City of Oakland for the purpose of transmitting water, gas, steam, oil, air or other substances.

(3) Every franchise, permit or privilege to erect or maintain or operate poles or to string wires along, upon, over, under, in or across any street, lane, alley, court, highway, road, park, or other public place in the City of Oakland, for the purpose of transmitting electricity or electrical energy.

Nothing in this section shall be construed as applying to spur or side tracks provided for in subdivision Fifty-five (55) of Sec. Fifty-one (51) of this Charter.

Applications for Franchises.

Sec. 140. (1) An applicant for a franchise, permit or privilege shall file with the Council an application therefor, and thereupon the Council shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the City. The publication of such advertisement must run for ten successive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Conditions of Grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant, and, if it be a street railroad, or a suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the City during the life of the franchise, permit or privilege, the highest percentage of the gross

annual receipts received from the use, operation or possession of the franchise, permit or privilege, provided that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than four per cent during the next ten years and not less than five per cent during the last twenty years, provided that if the franchise, permit, or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately on the taking effect of the new franchise, and provided further that the Council shall have the right to reject any and all bids.

Bidding for the Franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation may bid for such franchise, permit, or privilege not less than one-half of one per cent of the gross annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bid so made may be raised not less than one-half of one per cent of the gross annual receipts for such entire term by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the Council to the person, firm or corporation offering the highest percentages of the gross annual receipts arising from the use, operation or possession of such franchise, subject to the provisions of subdivision two (2) of this section; provided, that if, in the judgment of the Council, no adequate or responsible bid has been made, the Council may withdraw such franchise from sale or advertise for new bids.

If the franchise, permit or privilege is for a street railroad, or a suburban railroad or an interurban railroad which shall extend beyond the limits of the City of Oakland, then and in that case the percentages of gross receipts above specified shall be computed or reckoned as follows: The total length of the said railroad within and without the City shall be compared to the length of the said railroad within the City for which a franchise, permit or privilege is bid for, and such fraction of the entire gross receipts for the whole of such railroad within and without the City as the portion of such railroad within the City is of the said whole railroad shall be deemed and considered the gross receipts upon which the above percentages to be paid into the City treasury shall be reckoned. Any street railroad, suburban railroad or interurban railroad which, without having a franchise, permit or privilege from the City of Oakland so to do, uses the tracks of any other street railroad, suburban railroad or interurban railroad within the City of Oakland, shall pay into the treasury of the City of Oakland such minimum percentages of the gross receipts as are specified in subdivision two (2) of this section.

Deposit as Guarantee of Good Faith.

(4) Every application for a franchise, permit, or privilege under this article and every bid except that of the applicant under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount, payable to the City Clerk, certified to by some responsible bank, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege.

Upon the franchise, permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the City in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free Competition in Bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise, permit or privilege offered for sale under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor.

Bond.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the City to be approved by the Council, in the penal sum prescribed by the Council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the Council within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond such franchise, permit or privilege shall by the Council be granted by ordinance, subject to the referendum provisions of this Charter, to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited and the franchise, permit or privilege shall, in the discretion of the

Council, be readvertised and again offered for sale in the same manner and under the same restrictions as herein-before provided.

Life of Franchise.

Sec. 141. The maximum length of time for which a franchise, permit or privilege to use the streets, alleys, highways, lands, waters, or other public places in the City may be granted to any person, firm or corporation shall be thirty-five (35) years.

Beginning and Completion of Work.

Sec. 142. Construction work under any franchise, permit or privilege granted in accordance with the terms of this Article shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall be not more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited; provided, that if good cause be shown, the Council may by resolution extend the time for completion thereof not exceeding three months; and provided, that the limitations and provisions hereof as to the time within which work shall be completed, shall not apply to extensions of service under franchises, permits or privileges other than for railroads, street railroads, suburban or inter-urban railroads.

Service and Accommodation.

Sec. 143. The grant of every franchise, permit or privilege shall be subject to the right of the City, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and Charges.

Sec. 144. The grant of every franchise, permit or privilege shall be subject to the right of the City, whether or not reserved in such grant to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise, permit or privilege. The grant of every franchise, permit or privilege for a railroad, street railroad, or a suburban or interurban railroad shall provide that all United States mail carriers when in uniform, and all policemen, firemen and employees of the Electrical Department of the City while in the actual discharge of their duties, be allowed to ride on all cars of such railroad within the boundaries of the City, without paying fare therefor and with all the rights of other passengers.

Right of City to Assume Ownership.

Sec. 145. Every ordinance granting any franchise, permit or privilege provided for in this Article shall provide that at the expiration of the period for which the franchise, permit or privilege is granted, or at such time before said expiration as may be specified in said ordinance, the City, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance, purchase and take over to itself the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege. In no case, however, shall the value of the franchise, permit or privilege or the values commonly known as "good will" or "going value" be considered or taken into account in fixing such valuation. The grantee, his successors or assigns, of any franchise, permit or privilege under this article shall be required in said ordinance to file monthly with the City Clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oaths of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign be a person. No cost of maintenance, operation, repair or renewal shall be considered to be a cost of construction. Or it may be provided in the ordinance granting a franchise, permit or privilege under this Article that the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege shall, at the expiration of the period for which the franchise, permit or privilege was granted, revert to and become the property of the City without any compen-

sation being made by the City to said grantee, his successors or assigns. But in no case shall any property of any such grantee, his successors or assigns, be taken over by the City with or without compensation, without being subject to the referendum vote as in this Charter provided, if referendum be demanded by the people.

Regulation of Public Utility Rates.

Sec. 146. Every ordinance granting any franchise, permit or privilege shall provide that the Council shall have the right annually to regulate and fix the price or rate at which commodities, productions or services shall be sold or rendered under such franchise, permit or privilege. But the Council in the exercise of this right shall not fix said price or rate at a lower price or rate than will produce a net revenue to the grantee of said franchise, permit or privilege, his successors or assigns, of less than five per centum per annum, computed on the actual cost of construction of the plant and property actually used and employed in the transaction of the business of said grantee, his successors or assigns, under said franchise, permit or privilege.

No Conveyance Necessary for City's Ownership.

Sec. 147. Every ordinance granting any franchise, permit, or privilege shall provide that the City may take over to itself and become the owner of the property and plant of any grantee as provided in this article, without the execution of any instrument or conveyance. The granting of the franchise, permit, or privilege shall be set forth in all ordinances granting franchises, permits or privileges as a valuable consideration, for which the grantee, his successors and assigns, agrees to conform to the terms and conditions of the said ordinance.

Lease or Assignment of Franchise.

Sec. 148. No franchise, permit or privilege granted by the City shall be, in whole or in part, leased, assigned or otherwise disposed of, or transferred without the express consent of the City given by ordinance, and no dealings with any one on the part of the City to require the performance of any act or payment of any compensation by any one shall be deemed to operate as such consent; provided that nothing herein shall be construed to prevent the grantees from the City of such franchise, permit or privilege from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

Street Sprinkling, Cleaning and Paving.

Sec. 149. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways

or public places in the City for railroad, street railway, suburban or interurban railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings; and such street work must be done with such kind of materials and in such manner as the Council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the Superintendent of Streets.

Examination of Company's Books. Audit.

Sec. 150. All ordinances granting franchises, permits or privileges under this Article shall provide that the grantee, his successors or assigns, shall keep, in such manner as the Council may from time to time require, vouchers, records, and books of accounts. The City of Oakland, by and through its Mayor, Auditor, Deputy Auditor, accountants or such other agents as may, from time to time, be appointed by the Mayor, Auditor or Council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or enjoying any franchise, permit or privilege under this Article. A refusal to keep said books, vouchers and records in the manner provided above or to produce for inspection in the City of Oakland said books, vouchers and records at all reasonable times for examination by the Mayor, Auditor, Deputy Auditor, accountants or other agents appointed by the Mayor, Auditor or Council shall work a forfeiture of the said franchise, permit or privilege.

Annual Reports of Company.

Sec. 151. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this Article shall file annually with the City Auditor on such date as shall be fixed by the Council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the Council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the Council of all the gross receipts arising from

all the business done by said person, firm or corporation, under said franchise, permit or privilege within the City of Oakland, for the year immediately preceding such report. Such report shall contain such further statements as may be required by the Council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege for new construction, repairs and betterments during the year.

Books of Records and Reference.

Sec. 152. The Mayor shall provide and cause to be kept in the office of the City Clerk the following books of record and reference:

First—A franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the City to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the City and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.

Second—A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the City, into which shall be transcribed accurate and correct copies of each and every franchise granted by the City to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest concerning the same as the Mayor may, from time to time acquire. In case annual reports are not filed and inspections are not made, as provided, the Mayor shall record such fact in the public utility record, and in writing, report the same to the Council.

Payment of Gross Receipts.

Sec. 153. The stipulated percentage of gross receipts provided in this Charter to be paid for the use and enjoyment of any franchise, permit or privilege shall be paid annually at the time of filing the annual report provided for in section one hundred and fifty-one (151) of this Charter to be filed by persons, firms or corporations holding franchises, permits or privileges. Failure to pay such percentage shall work a forfeiture of the franchise.

Forfeiture for Non-Compliance.

Sec. 154. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Council shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the Charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Limitations on Water Front Franchises.

Sec. 155. No exclusive franchise, permit or privilege, except for the purpose of constructing or maintaining or operating railroads, wharves, docks, slips, quays, drydocks, graving docks, shipyards or marine railways and the appurtenances necessary to each and all of them, shall be granted by the City or the Council to, in, over or upon any portion of the bed of the Bay of San Francisco or of the Estuary of San Antonio, or of the Bay of San Leandro. And all franchises, permits or privileges for railroads to, in, on, over or upon any portion of the bed of the Bay of San Francisco or the Estuary of San Antonio, or of the Bay of San Leandro shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported, by the operators of railroads under such franchises, permits or privileges, to designated points and for designated purposes, onto and over all tracks operated under said franchises, permits or privileges, upon payment of a reasonable compensation for such switching and transportation. But no franchise, permit or privilege shall be granted for any portion of the bed of the Bay of San Francisco greater in width than seven hundred feet measured at right angles to Twelfth street or to B street projected westerly. And no franchise, permit or privilege shall be granted for any portion of the bed of the Estuary of San Antonio, between the eastern line of Linden street, projected southerly and the eastern line of Alice street projected southerly, greater in width than seven hundred feet measured at right angles to Broadway or to Adeline street. No exclusive franchise, permit or privilege for any portion of the bed of the Bay of San Francisco shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege for any portion of the bed of the Bay

of San Francisco. No exclusive franchise, permit or privilege for any portion of the bed of the Estuary of San Antonio, between the eastern line of Linden street projected southerly and the eastern line of Alice street projected southerly shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege to any portion of the bed of the Estuary of San Antonio. Nothing shall, under any franchise, permit or privilege, be constructed upon, in, over or under any portion of the bed of the Bay of San Francisco or the Estuary of San Antonio or of the Bay of San Leandro which shall obstruct, hinder or prevent the construction, maintenance and operation of such continuous belt lines of railroad along the whole length of the water front as the Council may provide for.

Switching Rights.

Sec. 156. All franchises, permits and privileges for the construction or maintenance or operation of any railroad, other than street railroads, shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the City of Oakland and all persons, firms or corporations desiring to avail themselves of the benefits and privileges and rights conferred by any such franchise, permit or privilege shall have a common right to have their cars switched and transported by the holder or holders of such franchise, permit or privilege on railroad tracks constructed or maintained or operated under the terms of such franchise, permit or privilege; and such tracks shall be operated on equal and reasonable pro rata rates with equal facilities for such purposes, and such rights, rates and facilities shall be extended without discrimination to all persons, firms and corporations desiring the same.

Franchises Not in Use Forfeited.

Sec. 157. All franchises and privileges heretofore granted by the City which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall, within six months after this Charter takes effect, in good faith commence the exercise and enjoyment of such franchise, permit or privilege.

Ordinance in Plain Terms.

Sec. 158. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the City and against the claimant under such ordinance.

Franchise Specify Streets.

Sec. 159. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the City in general terms or to apply to the City generally.

License Tax.

Sec. 160. The City shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters and all other devices for measuring service; also telephone, telegraph, electric light and power poles, subways, conduits and wires. The said license or tax shall be in addition to all other lawful taxes levied thereon or upon the property of the holder thereof.

Other Conditions May Be Imposed by Council.

Sec. 161. Nothing in this Charter shall be construed as prohibiting the Council from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this Charter, as the Council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

Franchises for Railroads Other Than Street, Suburban or Interurban Railroads.

Sec. 161½. The Council may grant franchises for the construction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon, over, in, under or across any street or streets or other public place in the City of Oakland, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say:

The provisions of Sec. 137 relating to property rights of the City; of Sec. 140 relating to applications for franchises; of Sec. 141 relating to life of franchises; of Sec. 142 relating to beginning and completion of work; of Sec. 143 relating to service and accommodation; of Sec. 144 relating to rates and charges; of Sec. 145 relating to right of the City to assume ownership; of Sec. 147 relating to conveyances; of Sec. 148 relating to leases and assignments of franchises; of Sec. 149 relating to street sprinkling, cleaning and paving; of Sec. 152 relating to books of record and reference; of Sec. 154 relating to forfeiture for non-compliance; of Sec. 155 relating to limitations on water front franchises; of

Sec. 156 relating to switching rights; of Sec. 157 relating to forfeiture of franchises not in use; of Sec. 158 relating to terms of ordinances; of Sec. 159 relating to specification of streets; and of Sec. 161 relating to additional conditions, shall apply to and govern all franchises, permits or privileges granted for the construction or maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads; and anything in this Article to the contrary notwithstanding, no other section contained in this Article (Article XX) shall apply to or govern the granting of franchises, permits or privileges for the construction or maintenance or operation of railroads other than street railroads, suburban railroads or interurban railroads.

Provided, that the application of the provisions of said section 140 (relating to applications for franchises) to the granting of franchises, permits or privileges for railroads other than street railroads, suburban or interurban railroads, shall be subject to this exception, that is to say, that instead of receiving bids for a percentage of the gross annual receipts as provided for in said Sec. 140, the franchise, permit or privilege shall be awarded to the bidder offering to pay to the City, during the life of the franchise, permit or privilege, the highest average annual rental, and the advertisement shall so state, and that in the raising of bids above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid;

And provided that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said Sec. 144 (relating to rates and charges) shall apply only to the local service of such railroads;

And provided that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said Sec. 145 (relating to rights of the City to assume ownership) shall not be construed as requiring such franchise, permit or privilege to permit the City to take over to itself any of the rolling stock or other movable property of the grantee, his successors or assigns, used in the enjoyment of such franchise, permit or privilege.

ARTICLE XXI.

THE INITIATIVE.

Preliminaries to Filing Petition.

Sec. 162. The qualified electors of the City shall have power to propose by petition, and to adopt at the polls any

ordinance which may be enacted under this Charter. Such ordinance may be proposed by filing with the City Clerk a petition setting forth said ordinance in full, signed by qualified electors of the City as many in number as hereinafter required of the entire vote cast for all candidates for the office of Mayor at the last preceding General Municipal Election.

Before any petition for such submission of a proposed ordinance shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the City Clerk containing the following: A copy of the proposed ordinance; a statement in not more than two hundred (200) words giving the proponents' reasons for the adoption of such ordinance; a statement of the intention to secure the submission of said ordinance to a vote of the electors by an Initiative petition; and the address of the party making such affidavit. The Council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition.

Form and Condition of Petition.

Sec. 163. The form and conditions of the petition and mode of certification and verification shall be substantially as follows:

(Individual Certificate.)

PETITION TO THE COUNCIL.

Requiring the Submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION
(The above heading must be printed in type of a 24 point
Roman face, caps and lower case.)

Of a Proposed Ordinance Entitled:
(here insert title of ordinance.)

PROPONENTS' REASONS FOR ADOPTING ORDINANCE: (Here insert such reasons.)	COUNCIL'S REASONS FOR NOT ADOPTING ORDINANCE: (Here insert such reasons)
---	---

I, the undersigned, certify that I hereby join in a petition to the Council requiring that it forthwith submit to the vote of the electors of the City of Oakland, at a Special Municipal Election (or General Municipal Election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; unless said ordinance be passed by the Council, without alteration, when and as provided in the Charter of the City of Oakland.

I further certify; that I have read the above reasons for and against the adoption of said ordinance and am in favor of its adoption; that I am a qualified elector of the City of Oakland, State of California; that I am not at this time a signer of any other like Certificate; that I reside at No. Street, between Street and Street, in said City, and that my occupation is

(Signed)

State of California, }
County of Alameda, } ss.
City of Oakland.

....., being duly sworn, deposes and says: that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this day of , 19....

(Signed)

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to at No. Street, Oakland, California.

The provisions of subdivision four (4) of Section seven (7) of this Charter, applying to Recall petitions, shall apply to petitions filed under this Article.

Fifteen Per Cent Petition.

Sec. 164. If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected (provided that the number of signers to any such petition shall not be less than three thousand) and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then either:

(a) The Council shall pass said ordinance without alteration within twenty days after the attachment of the Clerk's Certificate of Sufficiency to the accompanying petition; or,

(b) Within twenty-five days after the Clerk shall have attached to the petition accompanying such ordinance his Certificate of Sufficiency, the Council shall proceed to call a Special election at which such ordinance, without alteration, shall be submitted to the vote of the electors; unless some General or Special Municipal Election occurs not earlier than thirty (30) days and not later than ninety (90) days

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after the City Clerk shall have attached such Certificate of Sufficiency, in which latter event said measure shall be voted on at such Special or General Municipal Election.

Five Per Cent Petition.

Sec. 165. If a petition be signed by qualified electors equal in number to five per centum of the entire vote cast for all candidates for Mayor at the last preceding General Municipal Election at which a Mayor was elected and contain a request that said ordinance be submitted to a vote of the electors at a General Municipal Election, then such ordinance, without alteration, shall be so submitted by the Council at the next General Municipal Election that shall occur at any time after twenty (20) days from the date of the attachment of the Certificate of Sufficiency to the petition accompanying such ordinance, unless the Council shall have, prior to the time of calling such election, passed such ordinance without alteration.

Limitations on Petitions.

Sec. 166. No individual certificate provided for in this Article shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the Clerk of the petition of which it forms a part. No Initiative petition requesting the submission of an ordinance at a Special Municipal Election, and having an insufficient number of signatures to require such Special Election but having the required number for submission of said measure at a General Municipal Election, shall by virtue thereof be sufficient to require the submission of such ordinance at a General Municipal Election. No initiative petition requesting the submission of an ordinance at a General Municipal Election and having a sufficient number of signatures to have required the submission of said ordinance at a Special Municipal Election, shall, by virtue thereof, be sufficient to require the calling of a Special Municipal Election.

Measure to Be Mailed to Voters.

Sec. 167. Whenever any ordinance is required, under the Initiative or Referendum provisions of this Charter to be submitted to the voters of the City at any election, the Council shall cause the ordinance to be printed and it shall be the duty of the City Clerk to enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least five (5) days prior to the election. The Council may cause said ordinance to be printed once in the official newspaper, one week preceding the date of such election.

Arguments to Be Mailed to Voters.

Sec. 168. If a proposed ordinance be submitted upon an Initiative petition of the qualified electors, the person filing the affidavit preliminary to the circulation of such Initiative petition, or the person or organization on whose behalf said affidavit was filed, shall have the right to present to the City Clerk at any time twenty-five (25) days prior to said election, printed copies of an argument favoring said ordinance, and said Council shall have the right to present, or permit to be presented, to the City Clerk, within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand (2000) words in length and such argument shall be printed in such form and upon such character of paper suitable for mailing as the Clerk shall prescribe. The City Clerk shall enclose one copy of each of such arguments with the sample ballot and copy of the ordinance, mailed to each voter, provided, he has been furnished with printed copies of such argument equal in number to five (5) per cent in excess of the total number of qualified electors. Nothing in this section contained shall authorize the Council to expend any money of the city for the formulation or printing of any such argument.

Election.

Sec. 169. The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words, "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvass.

Several Ordinances at One Election.

Sec. 170. Any number of proposed ordinances under the Initiative and any number of ordinances under the Referendum may be voted upon at the same election, in accordance with the provisions of this Article.

Limit to Special Elections.

Sec. 171. There shall not be held under this Article more than one special election in any period of six months.

Competing and Conflicting Measures. Repeal.

Sec. 172. When there are two or more ordinances proposed to secure the same general purpose, the Council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (secondly) can express his preference for any one. If

a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing General Municipal Election. If there is a conflict between two or more ordinances or between two or more Charter amendments adopted at the same election, then the ordinance or Charter amendment receiving the highest affirmative vote shall prevail. No ordinance approved by the electorate under the provisions of this Article shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide.

Election is Mandatory.

Sec. 173. If any ordinance proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this Charter, be not submitted to the voters at or within the time elsewhere specified in this Charter, such petition shall remain in force until such ordinance has been submitted to a vote, and no bond issue, or other ordinance proposed by the Council shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this Charter. This section is prohibitory and mandatory.

Charter Amendments.

Sec. 174. The provisions of this Article, unless prohibited by the State Constitution, shall apply to the proposal, submission, and adoption of Charter amendments.

Substantial Compliance.

Sec. 175. A substantial compliance with the provisions of this Article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereto.

Further Regulations.

Sec. 176. The Council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this Article and to adapt the provisions of Article III thereto.

ARTICLE XXII. THE REFERENDUM.

Public Utilities.

Sec. 177. Every ordinance or other measure granting or renewing a franchise, permit or privilege for the operation

of any public utility, the franchise, permit or privilege for which has expired or is about to expire, or providing for the transfer or acquirement in whole or in part of any public utility, (except the lease of a portion of a public conduit or tunnel) or for the granting of a franchise upon any boulevard as provided in Subdivision forty-nine (49) of Section fifty-one (51) of this Charter, must be referred and submitted to the vote of the electors of the City at the election next ensuing not less than sixty (60) days after the adoption of such ordinance or other measure, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by Electors.

Sec. 178. No ordinance or other measure passed by the Council granting either any franchise, permit or privilege to operate, or to be used in connection with, any public utility either wholly or partially within or without the City of Oakland, or authorizing the acquirement, or transfer or change in the use of any lands or interest therein, or authorizing the lease or permission to use a portion of any public conduit or tunnel, shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance, measure or action shall be in force and effect, unless within such period there shall be filed with the City Clerk a petition signed by qualified electors equal in number to ten (10) per cent of the entire vote cast for all candidates for Mayor at the last preceding General Municipal Election, (provided, that the number of signers to any such petition shall not be less than two thousand) requesting that such ordinance, measure or action be submitted to the electors. In case such petition is filed, such ordinance, measure or action shall not go into effect until approved by a majority of the voters voting thereon at a General or Special Municipal Election.

Referendum by Council.

Sec. 179. Any ordinance which the Council is empowered to pass may be submitted by an affirmative vote of three (3) of its members at a General Municipal Election only, subject to the provisions of this Article so far as applicable.

Preliminaries to Filing Petition.

Sec. 180. Before any petition for the submission of an ordinance or other measure to the referendary vote of the electors shall be circulated, an affidavit by or on behalf of its opponents shall be filed with the City Clerk containing the following: a copy of the ordinance or measure; a statement in not more than two hundred (200) words giving the

opponents' reasons for the rejection of such ordinance or measure; a statement of the intention to secure the submission of such ordinance or measure to a vote of the electors by a Referendary petition; and the address of the party making such affidavit. The Council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance or measure should be adopted. These reasons for and against the adoption of the ordinance or measure shall be printed as a part of the individual certificate forming a part of the petition.

Regulations Covering Petitions.

Sec. 181. The form and conditions of the petition asking that any ordinance or measure be referred to the people under this Article shall be substantially as follows:

(Individual Certificate.)

PETITION TO THE COUNCIL.

Requiring the Submission at
A SPECIAL (OR GENERAL) MUNICIPAL ELECTION.
(The above heading must be printed in type of a 24-point
Roman face, caps and lower case.)

Of That Ordinance or Measure Entitled:

(Here insert title of ordinance or measure.)

OPPONENTS' REASONS COUNCIL'S REASONS
AGAINST ADOPTING ORDINANCE (OR MEASURE): FOR ADOPTING ORDINANCE (OR MEASURE):
(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the Council requiring that it forthwith submit, as provided in the Charter of Oakland, to the vote of the electors of the City of Oakland, at a Special Municipal Election (or General Municipal Election), that certain ordinance (or measure) entitled (here insert title of ordinance or measure), to a copy of which this certificate is attached, passed by the Council on the..... day of, 19.....

I further certify: That I have read the above reasons for and against the adoption of said ordinance (or measure), and am against its adoption; that I am a qualified elector of the City of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. Street, between Street and Street, in said City, and that my occupation is.....

(Signed).....

State of California, |
County of Alameda, | ss.
City of Oakland.

....., being duly sworn, deposes and says:
that he is the person who signed the foregoing certificate
and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this.....
day of, 19.....

(Signed) ..
Verification Deputy (or Notary Public.)

The petition of which this certificate forms a part shall,
if found insufficient, be returned to..... at
No. Street, Oakland, California.

The provisions of subdivision four (4) of Section seven
(7) of this Charter, applying to Recall petitions, shall apply
to petitions filed under this Article.

Arguments to Be Mailed to Voters.

Sec. 182. If an ordinance (or measure) be submitted to the vote of the electors by referendary petition, the person filing the affidavit preliminary to the circulation of such referendary petition, or the person or organization on whose behalf said affidavit was filed shall have the right to present to the City Clerk, at any time twenty-five (25) days prior to said election, printed copies of an argument opposing said ordinance (or measure), and the Council shall have the right to present or to permit to be presented to the City Clerk, within the same limit of time printed copies of an argument favoring said ordinance or measure. No such argument shall exceed two thousand (2000) words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing as the Clerk shall prescribe. The City Clerk shall enclose one copy of each of such arguments with the sample ballot and copy of the ordinance or measure, mailed to each voter, provided he has been furnished with printed copies of such argument equal to five (5) per cent in excess of the total number of qualified electors. Nothing in this section contained shall authorize the Council to expend any money of the City for the formulation or printing of any such argument.

Time of Election.

Sec. 183. If a petition be filed more than thirty days and less than ninety days prior to a general election the ordinance or measure shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the Council shall decide.

Elections—How Conducted.

Sec. 184. Sections one hundred sixty-seven (167), one hundred sixty-nine (169), one hundred seventy (170) and one hundred seventy-five (175) of this Charter applying to the Initiative, shall govern elections held under the authority of this Article, so far as applicable.

Majority Vote.

Sec. 185. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect five (5) days after the declaration of the official canvass; otherwise it shall be repealed and rejected.

Further Regulations.

Sec. 186. The Council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this Article and to adapt the provisions of Article III thereto.

ARTICLE XXIII.

THE PUBLIC SCHOOLS.

The Board of Education.

Sec. 187. The Board of Education shall have entire control and management of the public schools in the city, in accordance with the Constitution, general laws of the State and provisions of this Charter, and said Board is hereby vested with all the powers and charged with all the duties provided by this Charter and by the general laws of the State for City Boards of Education. The Board of Education shall have power to purchase land for educational purposes, subject to the approval by ordinance of the Council, and to construct school buildings and additions thereto, in the method prescribed by this Charter.

Plans for School Buildings.

Sec. 188. When funds for the construction of school buildings or additions thereto have been raised by the municipality, the Board of Education must, and when such funds have been raised otherwise the Board of Education may make requisition upon the Commissioner of Public Works for plans and specifications and estimates for a new school building, or for any addition to school buildings or a school building, specifying the location thereof, the number of class rooms needed, the date on which the work should be completed, the amount of money in the school fund available for the purpose, giving in detail the size of the class rooms, the type of the building, the number and

width of the stairways of the building, and such other information as will enable the said Commissioner of Public Works to prepare the necessary plans and specifications and estimates for the cost of the said building or buildings or additions.

Construction of School Buildings.

Sec. 189. The said Commissioner of Public Works shall within ninety days after the receipt of said requisition submit in duplicate to the Board of Education such plans and specifications and estimates. The Board of Education shall approve, reject, or return the same to the said Commissioner of Public Works for amendments. When the plans shall have finally been approved by the Board of Education, the date of approval shall be endorsed on each duplicate by the president and secretary of the Board, and thereupon one of the said duplicates shall be filed in the office of the Board of Education, and the other shall be returned to the said Commissioner of Public Works. The Board of Education shall then proceed to contract for the construction of such building, in the manner provided for making contracts for the construction of other public buildings in Article XIX of this Charter. The construction of every such school building shall be under the immediate supervision of the Commissioner of Public Works. No change shall be made in the plans and specifications without the written consent of said Commissioner of Public Works and the Board of Education. A copy of such changes shall be certified to and shall be attached to the original plans and specifications and original contract. When the funds for the construction of such building, or addition thereto, have been raised by the municipality, the provisions of this section shall be mandatory.

Meetings to Be Public.

Sec. 190. All meetings of the Board of Education shall be public.

Superintendent of Schools.

Sec. 191. The Board of Education shall appoint a Superintendent of Schools, fix his compensation and prescribe his powers and duties.

Tenure of Teachers.

Sec. 192. Every person employed as a regular teacher by the School Department shall be considered re-elected for the ensuing fiscal year unless at least two months before the beginning of such fiscal year he or she is notified in writing, by authority of the Board of Education, that it is expected that his or her services will not be required for

the ensuing fiscal year. Such notice shall be deemed given when placed in a sealed envelope and sent by registered mail to the teacher affected at his or her last known place of residence, as it appears from the records of the Department.

School Warrants.

Sec. 193. Every claim payable out of the School Fund shall be filed with the Secretary of the Board of Education, and after it shall have been approved by the Board a certificate of such approval shall be endorsed thereon, signed by the President and Secretary, and a warrant upon the School Fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the President and countersigned by the Secretary and shall specify the purpose for which it is drawn and receive the approval of the Auditor as provided in this Charter.

Annual Estimate of Expenses.

Sec. 194. The Board of Education shall annually, at the time fixed by section one hundred fourteen (114) of this Charter, submit in writing to the Council, a careful estimate of the amount of money to be received from any and all sources whatsoever, other than the City, for the support of the public schools in the City (separate estimates to be made for the grammar and primary schools and for the high schools), together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the City for the adequate support of the public schools for the ensuing year; and a careful estimate of the amount of money, if any, required for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto, specifying in detail the uses to be made of such moneys.

ARTICLE XXIV.

MISCELLANEOUS.

When This Charter Takes Effect.

Sec. 195. For the purpose of nominating candidates and electing Mayor, Auditor, who shall be ex-officio Assessor, Commissioners and School Directors, in accordance with this Charter, this Charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the first day of July, 1911.

First Election Under This Charter.

Sec. 196. The City Council of the City of Oakland in office at the time this Charter is approved by the Legislature shall provide for the holding of the first election of

officers under this Charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of Incumbents in Office.

Sec. 197. The members of the Council, the members of the Board of Education, the Mayor, the Auditor and Ex-Officio Assessor, the City Attorney, the City Engineer, the City Treasurer, the members of the Board of Public Works and the members of the Board of Commissioners of the Police and Fire Departments, in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the Mayor, Auditor and Ex-Officio Assessor, Commissioners and School Directors, respectively, first elected under this Charter.

Except when in this Charter otherwise provided, the term of each and all the other elective officers in office at the time this Charter takes effect shall cease and terminate when the Council first elected hereunder shall by resolution so declare.

Existing Ordinances Continued in Force.

Sec. 198. All lawful City ordinances, resolutions and regulations in force at the time this Charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Judicial Power.

Sec. 199. The judicial power of the City shall be vested in a Police Court and in such Justices Courts as are or may be provided for by law, and the existing Police Court of the City shall continue as it now exists until otherwise provided by law.

Said Police Court shall have exclusive jurisdiction of all misdemeanors punishable by fine or imprisonment or by both said fine and imprisonment, committed in the City where such Police Court is held; and in all such cases to hear, try and determine the same, convict or acquit, pass and enter judgment and carry such judgment into execution as the case may require, according to law. Said Police Court shall also have exclusive jurisdiction of all proceedings for violation of any and all ordinances of said City, both civil and criminal, and of all actions for the collection of any licenses required by the ordinances of said City.

All proceedings in said Police Court in behalf of the People, whether for the violation of any statute of the State or ordinance of the City, shall be prosecuted by a Deputy

District Attorney of this County as is now provided for by law.

The Chief of Police shall designate one or more policemen who shall always attend on the Police Court and act as bailiffs therein.

Premium on Official Bonds.

Sec. 200. The premium or charge for all official bonds required of elective officers, of all officers whose bonds are fixed by the Charter, and of all officers and employees of the City, or of any Board thereof, of whom official bonds in specified amounts shall be required with approval of the Council, shall be paid by the City; provided, however, that no premium or charge for such bond shall exceed one-half of one per centum per annum on the amount thereof.

Streets.

Sec. 201. The word "streets" when used in this Charter includes streets, highways, lanes, alleys, courts and public places.

Qualified Elector Defined.

Sec. 202. A "qualified elector" for the purposes of petitions for Nomination, Initiative, Referendum and Recall under the provisions of this Charter, is any voter whose name appears on such Great Register of Alameda County or any supplement thereto as is then allowed by general law to be used to determine the eligibility of person to vote at municipal elections in the City, and whose address appearing on such Great Register or supplement is in the same precinct as the address given by him on the Certificate signed by him and forming part of such petition.

Attention to Duties.

Sec. 203. All persons holding any office or employment under the City, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of such office or employment, and a failure so to do shall be ground for removal. The Council shall by ordinance fix the office hours of all chief officials, clerks, assistants and office employees, and the hours of labor of all other employees.

Sec. 204. All appointments of officers, deputies, clerks and other employees to be made under any of the provisions of this Charter, must be made in writing and in duplicate, authenticated by the person or persons, Council, Board or officer making the same. One of such duplicates must be filed with the Secretary of the Civil Service Board and the other with the Auditor.

Regarding Certain Provisions in Charters of Cities Consolidated or Annexed.

Sec. 205. Whenever, under the terms of this Charter as adopted, or as hereafter amended, or under the provisions of the constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the City of Oakland, and the charter of such incorporated city or town shall contain therein any provision or provisions restricting, prohibiting or regulation of the sale of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the City of Oakland, such provision or provisions of the Charter of such city or town so consolidated with or annexed to the City of Oakland shall, upon such consolidation or annexation becoming effective, be and thereby become an integral part of and take place as a subdivision of the Charter of the City of Oakland, but only for the purposes in this section specified, and shall operate and be of full force and effect in the territory of such city or town so consolidated with or annexed to the City of Oakland, and shall govern as to the restricting, prohibiting or regulating the sale of spirituous, malt, vinous or alcoholic liquors within such territory. No such provision or provisions shall be altered or repealed except by a majority of the electors within such territory.

CERTIFICATE.

WHEREAS, The City of Oakland, a city containing a population of more than one hundred thousand (100,000) and less than two hundred thousand (200,000) inhabitants, on the sixth day of July, 1910, at a special election and under and in accordance with the provisions of Section Eight (8), Article XI, of the Constitution of the State of California, did elect R. H. Chamberlain, William C. Clark, I. H. Clay, Charles H. Daly, George W. Dornin, Albert H. Elliot, Raymond B. Felton, John Forrest, Richard M. Hamb, Hugh Hogan, Albert Kayser, John J. McDonald, George C. Pardee, Harrison S. Robinson and Fred L. Shaw, a Board of fifteen (15) Freeholders to prepare and propose a Charter for said City;

BE IT KNOWN, That in pursuance of said provisions of the Constitution, and within a period of ninety days after said election, said Board of Freeholders has prepared and does propose the foregoing as and for the Charter of the City of Oakland, and that in submitting and proposing such Charter, the Board of Freeholders, pursuant to said provisions of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately without

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prejudice to the other provisions contained in the Charter, an alternative proposition hereinafter stated.

Said alternative proposition shall if approved by the voters take the place of Subdivision Thirty-One (31) of Section Fifty-one (51), Article IX, of the proposed Charter, which reads as follows:

"To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; provided, however, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this Charter goes into effect."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the Charter shall be submitted, and upon the ballots shall be printed: "Shall the alternative proposition prohibiting the sale of liquor in residential districts take the place of Subdivision Thirty-one (31) of Section Fifty-one (51), Article IX?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; provided, however, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this Charter goes into effect; and provided, however, that the Council shall have no power to license any saloon, bar, or other place wherein may be sold, to be drunk on the premises, any spirituous, malt, vinous, or alcoholic liquors in residential districts of the City, that is to say, in any place within a radius of three hundred (300) feet of which there are more residences than business houses; and every person, who, within any such residential or other restricted district, so sells,

barters, gives away in lieu of selling, or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor; all provided that the Council may, under such regulations as it may adopt, authorize within as well as without such districts, the sale of such liquors by any regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this third day of October, one thousand nine hundred and ten.

R. H. CHAMBERLAIN
WILLIAM C. CLARK
I. H. CLAY
CHARLES H. DALY
ALBERT H. ELLIOT
RAYMOND B. FELTON
JOHN FORREST
RICHARD M. HAMB
HUGH HOGAN
ALBERT KAYSER
JOHN J. McDONALD
GEORGE C. PARDEE
HARRISON S. ROBINSON
FRED L. SHAW

Attest:

HARRY A. ENCELL,
Secretary.

TB

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